



## STUDENT GRIEVANCE PROCEDURES FOR SEXUAL HARASSMENT PURSUANT TO TITLE IX

### Sexual Harassment Prohibited

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs and activities. As a recipient of federal funds, CTECS is required by Title IX not to discriminate on the basis of sex. The requirement not to discriminate in the education program or activity extends to admissions and employment.

CTECS does not discriminate on the basis of sex in the education programs and activities it operates. Sexual harassment is prohibited in CTECS' education programs and activities, whether by students, employees or third parties subject to substantial control by CTECS.

Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

CTECS will not tolerate any reprisals or retaliation that occur as a result of the reporting of charges of sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

### Notice of District Title IX Coordinator

CTECS' Title IX Coordinator manages the District's compliance with Title IX and is an available resource to anyone seeking information or wishing to file a formal complaint. Any person may report sex discrimination, including sexual harassment in person, by mail, by telephone, or by email to the District Title IX Coordinator or school Equity Coordinator.

Inquiries about the application of Title IX may be made by contacting the District's Title IX Coordinator:

**Linda Leyhow, Title IX Coordinator**  
**39 Woodland Street, Hartford, CT 06105**  
**Email: [Linda.Leyhow@cttech.org](mailto:Linda.Leyhow@cttech.org)**  
**Office: 860-807-2106 and Cell: 959-895-2710**

If a student, employee, or other participant in the District's programs and activities feels that they have been subject to discrimination on the basis of sex in any District program or activity, including sexual harassment, such person is encouraged to contact the school's Equity Coordinator and/or utilize these Title IX grievance procedures.

### Application of this Policy

For conduct to be subject to this policy:

1. The conduct must have occurred in a CTECS' education program or activity over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; and
2. The conduct must have occurred within the United States of America; and
3. The Complainant must be participating in or attempting to participate in the education program or activity of CTECS.

For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the CTECS exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

Conduct that does not meet these requirements will not be subject to this policy, but may still constitute a violation of another CTECS policy.

### Explanation for Separate Grievance Procedures for Sexual Harassment

CTECS is a recipient of federal funds and subject to the requirements of Title IX, the federal law that prohibits discrimination on the basis of sex. The federal regulations implementing Title IX require the adoption and publication of grievance procedures. Also, the grievance procedures for sexual harassment are different than the grievance procedures for sex discrimination and other forms of discrimination and harassment. Therefore, students at CTECS can make a complaint regarding sexual harassment, as defined below, pursuant to this grievance process. Any complaints of sex discrimination that are not sexual harassment pursuant to these grievance procedures may be subject to CTECS' "Grievance Procedures for Bullying, Discrimination and Harassment" or other disciplinary consequences related to sexual misconduct.

### The Title IX Definition of Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of CTECS conditioning the provision of an aid, benefit, or service of CTECS on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*);
2. Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to CTECS's education program or activities; or
3. "Sexual assault," "dating violence," "domestic violence," or "stalking as defined by law (see Appendix A).

## Reporting Requirements

It is the express policy of CTECS to encourage students to promptly report sexual harassment in accordance with these procedures.

Any CTECS employee with knowledge of sexual harassment allegations shall immediately report such information to the building principal and the Equity Coordinator. If the employee does not work in a school building, reports shall be made to the District's Title IX Coordinator. "Knowledge" means that the employee has notice of sexual harassment or of allegations of sexual harassment through means such as witnessing, receiving a report, or hearing about allegations.

## Roles

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

District Title IX Coordinator means the employee(s) designated and authorized to coordinate the District's efforts to comply with its Title IX responsibilities, including receiving reports of sex discrimination and harassment and effectively implementing any remedies.

School Equity Coordinator means the employee(s) designated at the school to be a primary point of contact for students, parents and guardians regarding bullying, discrimination and harassment. In the context of Title IX, this includes notifying students of their Title IX rights, receiving reports of discrimination and harassment, assisting with the identification and implementation of supportive measures, and providing information about the grievance procedures.

Investigator means the individual designated to investigate a formal complaint of sexual harassment. This person might be an Assistant Principal, agency EEO/AA investigator or labor relations investigator.

Decision Maker means the individual designated to issue a decision in a formal complaint following an investigation. This person is usually the school Principal.

Advisor means the person who assists a Complainant or Respondent at any grievance proceeding during which the party's attendance is required.

Facilitator of Informal Resolution means the individual who assists the parties in a formal complaint to resolve the matter informally prior to the completion of the investigation or decision.

Appeal Decision Maker means the individual designated to render a decision in the appeal from a decision of a formal complaint. This person is usually the Superintendent or designee.

Employee means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the CTECS or working in a public elementary, middle or high school; or any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the CTECS.

### **Training for Staff**

CTECS shall provide periodic training for staff as follows:

District Title IX Coordinator, Equity Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process on the following:

1. Definitions of sex discrimination and sexual harassment;
2. The scope of CTECS' education program and activity;
3. How to conduct an investigation and grievance process including appeals and informal resolution processes, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

**Bias** occurs when it is proven that the District Title IX Coordinator, Equity Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the Respondent or the Complainant and/or prejudgment of the facts at issue in the investigation.

A **conflict of interest** occurs when it is proven that the Title IX Coordinator, Equity Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.

Investigators and decision makers shall also receive training on:

1. Issues of relevance to create an investigative report that fairly summarizes relevant evidence;
2. Preponderance of evidence as burden of proof.

Decision makers shall also receive training on:

- Issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. CTECS shall make the training materials publicly available on its website.

CTECS shall also periodically provide training to all employees on the topic of Title IX, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made.

### **Notice of Policy**

Annual notice of these procedures shall be provided to staff, students and parents and legal guardians and make the policy and procedures available on the Board's website.

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office of Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 - Telephone (617) 289-0111.

### **Process for Complaints of Sexual Harassment**

#### **1. Reporting Sexual Harassment**

Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the District's Title IX or school Equity Coordinator. The reporter may use the form provided in the appendix.

#### **2. Response to report of Sexual Harassment**

##### Explanation of Complaint Process

The District's Title IX Coordinator or school Equity Coordinator will provide information to the Complainant, Respondent and/or their parents/guardians regarding the Districts' policies that apply to the alleged conduct and the formal complaint process.

##### Supportive Measures

The District's Title IX Coordinator or school Equity Coordinator will discuss the availability of supportive measures with the Complainant and the Respondent, whether or not the Complainant has filed a formal complaint, and will consider the Complainant's wishes with respect to such measures. If the Complainant has yet to file a formal complaint, the District's Title IX or Equity Coordinator will explain to the Complainant the process for doing so. The District will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the

Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

#### Equitable Treatment

The District will treat Complainants and Respondents equitably. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process if a formal complaint is filed.

#### Confidentiality

The identities of Complainants, Respondents and witnesses should be kept confidential from anyone not involved in the grievance process except where disclosure is permitted by the Family Educational Rights and Privacy Act (FERPA), required by law or Board policy or necessary to carry out the purposes of Title IX, including these grievance procedures.

#### Emergency Removal

Nothing in these procedures shall limit or preclude the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. This decision shall be made in collaboration with the District's Title IX Coordinator. If a Respondent is removed on an emergency basis, the District shall provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

This process for emergency removal shall not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **3. Formal Complaint Process**

#### Formal Complaint

A document filed by a Complainant, the Complainant's parent or guardian or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the administration investigate the allegation of sexual harassment. A "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint

### Filing a Complaint

A formal complaint may be filed with the District's Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the District's Title IX Coordinator. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the District's education programs or activity.

A formal complaint may be signed by the District's Title IX Coordinator upon consultation with the school Equity Coordinator.

### Consolidation

The District may consolidate formal complaints as to allegations of sexual harassment where the allegations arise out of the same facts or circumstances. This may include situations where the sexual harassment is against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party.

### Timeframes

If possible, formal complaints should be filed promptly, within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. These timeframes may be delayed or extended in accordance with this policy.

### Supportive Measures

Upon receipt of a formal complaint, if the Equity Coordinator or designee has not already discussed the availability of supportive measures with the Complainant, the Equity Coordinator or designee will promptly contact the Complainant and Respondent separately to discuss the availability of such measures. The District will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide supportive measures.

### Formal Complaint - Notice of Allegations

Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations of sexual harassment and a copy of this grievance process. The written notice of allegations must be provided to the Respondent at least a day prior to interviewing the Respondent. The written notice must also include the following:

1. The identities of the parties involved in the incident, if known;
2. The conduct allegedly constituting sexual harassment as defined above;
3. The date and the location of the alleged incident, if known;
4. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;



5. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;
6. A statement of any provision in the District's Student Conduct and Discipline policy or any other policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the written notice, the District must provide notice of the additional allegations to the parties whose identities are known.

#### Advisor for the Parties

The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. Such restrictions shall be applied equally to all parties. For example, advisors may inspect and review evidence and provide counsel and support to the parties. Advisors may not answer for the party, direct the questioning or otherwise interfere with the interview or grievance proceedings.

#### Referral to Investigator

The Equity Coordinator will, as applicable, promptly refer the formal complaint to a school administrator for investigation or dismiss the formal complaint in accordance with this policy. The investigator of a sexual harassment allegation shall be a school administrator.

#### Standard of Evidence

The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

#### Opportunity to Present Evidence

The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

#### Review of Evidence

Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or



other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator will consider prior to completion of the investigative report.

### Investigative Report

The investigator will create an investigative report that fairly summarizes relevant evidence. The investigator will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.

### Decision Maker

The decision maker shall be the school principal. If the principal is not available to serve as the decision maker, the Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Equity Coordinator or investigator. The investigator and the decision-maker shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

### Written Determination of Responsibility

The decision-maker will issue a written determination regarding responsibility. The written determination will include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
2. Findings of fact supporting the determination;
3. Conclusions regarding the application of the District's code of conduct to the facts;
4. A statement of, and rationale for, the result as to each allegation, including

- a. a determination regarding responsibility,
  - b. any disciplinary sanctions the District will impose on the Respondent, and
  - c. whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
5. The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The written determination will be provided to both parties simultaneously.

#### Consequences of a Finding of Responsibility

Student Respondents found responsible for violating the policy prohibiting sexual harassment may be subject to discipline up to and including expulsion. Employee Respondents found responsible for violating the policy may be subject to discipline up to and including termination of employment. Other Respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.

#### Notice of Appeal

After receiving notification of the decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both Complainant and Respondent may avail themselves of the appeal process set forth in this policy.

### **4. Informal Resolution**

At any time prior to reaching a determination regarding responsibility, the District may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Equity Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Equity Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, Complainants and Respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes a student from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

## **5. Appeal Process**

After receiving notification of the decision-makers' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both Complainant and Respondent have five (5) school days to submit a formal letter of appeal to the Equity Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- Procedural irregularity that affected the outcome of the matter;
- The Equity Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Equity Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the Complainant or Respondent.

The District will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker. The decision-maker for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

## **6. Dismissal of a Formal Complaint**

The District Title IX Coordinator must dismiss any formal complaint that:

1. Would not constitute sexual harassment as defined in these grievance procedures even if proved, or
2. Did not occur in the District's education program or activity, or
3. Did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The District Title IX Coordinator may dismiss a formal complaint or any allegations therein, if at any time during the investigation the following occurs:

1. The Complainant notifies the Equity Coordinator or Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled or employed in the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the District will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the District's dismissal of a formal complaint or any allegations therein using the appeals procedure.

A dismissal pursuant to this section does not preclude action by the District under the Student Discipline Code or code of conduct for employees, or any other applicable rule, policy, and/or collective bargaining agreement.

## **7. Miscellaneous**

### Timeframes

Any timeframe set forth in these procedures may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity or the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.

### Application of Bullying Procedures

If a sexual harassment complaint raises a concern about bullying behavior, the District Title IX or school Equity Coordinator shall notify the Safe School Climate Specialist (Principal) or designee who shall coordinate any bullying investigation with the Investigator, to promote the alignment of any such bullying investigation with the requirements of applicable District policies and state law. Additionally, if a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Equity Coordinator shall make a referral to other appropriate personnel within the District so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

### DCF Referral

If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the District's policy on Reporting Suspected Child Abuse or Neglect of Children.

Retaliation against any individual who complains pursuant to the policy prohibiting sexual harassment is strictly prohibited. The District will take actions designed to prevent retaliation as a result of filing a complaint.

### Records and Documentation

The District will maintain for a period of seven (7) years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of CTECS, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## Appendix A

**Sexual Assault:** An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape— (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault with An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or

family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

**Affirmative Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the Respondent to the alleged violation believed that the Complainant consented to the sexual activity:
  - (i) because the Respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the Complainant affirmatively consented, or
  - (ii) if the Respondent knew or should have known that the Complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the Respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- E. The existence of a past or current dating or sexual relationship between the Complainant and the Respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*  
Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, *et seq.*



**STUDENT’S FORMAL COMPLAINT OF SEXUAL HARASSMENT**

Name of the Complainant: \_\_\_\_\_

Date of the complaint: \_\_\_\_\_

Date of the alleged sexual harassment: \_\_\_\_\_

Name or names of sexual harasser(s): \_\_\_\_\_

Location where such sexual harassment occurred: \_\_\_\_\_

Name(s) of any witness(es) to sexual harassment: \_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remedy Requested: \_\_\_\_\_

Signature of Complainant or Equity Coordinator: \_\_\_\_\_

**NOTICE OF ALLEGATIONS OF SEXUAL HARASSMENT**

Date of Notice: \_\_\_\_\_

This notice is provided as required by “CTECS’ Student Grievance Procedures for Sexual Harassment Pursuant to Title IX,” a copy of which is attached. Please be advised that a formal complaint of sexual harassment has been filed with the Equity Coordinator.

Details known at the time include the identities of the parties involved in the incident, if known:

Complainant(s):

Respondent(s):

The conduct allegedly constituting sexual harassment:

The date and location of the alleged incident, if known:

The Equity Coordinator or designee will contact the parties regarding the next step in the grievance process.

Questions can be directed to the Equity Coordinator: \_\_\_\_\_

- The Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Complainant(s) and Respondent(s) may have an advisor of their choice, who may be, but is not required to be, an attorney. Advisors may inspect and review evidence and provide counsel and support to the parties. Advisors may not direct the questioning or otherwise interfere with the interview.
- It is a violation of the CTECS’ Student Discipline Code to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to disciplinary sanctions. Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination.

**NOTICE OF INFORMAL RESOLUTION PROCESS  
FOR SEXUAL HARASSMENT COMPLAINTS**

In accordance with CTECS’ Student Grievance Procedure for Sexual Harassment, a formal complaint of sexual harassment has been filed with the Equity Coordinator. CTECS has an informal resolution process to promptly and equitably resolve such complaints using mediation/ restorative justice/ \_\_\_\_\_. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

\_\_\_\_\_

I voluntarily consent to the informal resolution process:

**Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Parent/ Guardian of Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Respondent:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Parent/ Guardian of Respondent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**INFORMAL RESOLUTION - SIGNED AGREEMENT**  
**FOR SEXUAL HARASSMENT COMPLAINTS**

Complainant, \_\_\_\_\_ and Respondent, \_\_\_\_\_ after agreeing to participate in the informal resolution process have resolved the complaint to our satisfaction.

The parties agree to the following informal resolution:

This agreement is final and there is no appeal. Failure of the Respondent to complete the requirements of this agreement will be a violation of the Student Discipline and Conduct policy and may result in disciplinary consequences.

**Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Parent/ Guardian of Complainant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Respondent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Parent/ Guardian of Respondent:** \_\_\_\_\_ **Date:** \_\_\_\_\_