

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5275**

**SEX DISCRIMINATION AND SEXUAL HARASSMENT  
(STUDENTS)**

It is the policy of the Darien Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

**Definitions**

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in, or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an all-inclusive list, the following are examples of the type of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.

5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will and when a person is incapable of giving consent due to the victim's use of drugs or alcohol.

### Procedure

It is the express policy of the Darien Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent possible and as permitted by law. The district will not tolerate any reprisals or retaliation that occurs as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

### Legal References: United States Constitution, Article XIV

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.*  
Gebser v. Lago Vista Independent School Dist, 524 U.S. 274 (1998)  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).  
Office of Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).  
Constitution of the State of Connecticut, Article I, Section. 20.

APPROVED: June 14, 2005  
REVISED: August 27, 2013

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**ADMINISTRATIVE REGULATIONS**

**SEX DISCRIMINATION AND SEXUAL HARRASSMENT**

**(STUDENTS)**

Complaint Procedure

1. It is the express policy of the Darien Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a first written complaint to the principal, or his/her designee. The student will be provided a copy of this policy and regulation and made aware of his or her rights.
3. The complaint should state the:
  - A. Name of the complainant,
  - B. Date of the complaint,
  - C. Date(s) of the alleged harassment/discrimination,
  - D. Name(s) of the harasser(s) or discriminator(s),
  - E. Location where such harassment/discrimination occurred,
  - F. Names of any witness(es) to the harassment/discrimination, and
  - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
6. All complaints are to be forwarded immediately to the principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator(s).
7. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator(s) shall either promptly commence an investigation of the complaint, or shall designate a school administrator to investigate the complaint. The Title IX Coordinator(s) or administrative designee shall consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. The Title IX Coordinator(s) or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator(s) or designee, the findings of the investigation shall be shared with persons involved in the investigation.
9. If the student complainant is dissatisfied with the findings of discrimination/harassment of the investigation, he or she may file a written appeal to the Title IX Coordinator(s), or, if he or she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee, together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may also investigate the complaint further. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

Retaliation against any individual who complains pursuant to this policy and procedure is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Copies of this regulation will be posted in prominent locations for all students.

Title IX Coordinator

The Title IX Coordinators for the Darien Board of Education are Mr. Christopher Manfredonia and Ms. Ellen Ryan, whose offices are located at Darien High School, 80 High School Lane, Darien, CT and whose telephone number is 203-655-3981.

**DARIEN PUBLIC SCHOOLS**

**Darien, Connecticut**

**COMPLAINT FORM REGARDING SEX DISCRIMINATION  
AND SEXUAL HARASSMENT**

Name of Complainant \_\_\_\_\_ Date of Complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
harassment \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_  
(Signature of Complainant) \_\_\_\_\_ (Date)

Name of Administrator investigating complaint and the findings \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Administrator) \_\_\_\_\_ (Date)