

## Personnel -- Certified/Non-Certified

### Sexual Harassment

The CREC Council is committed to safeguarding the right of all district employees to a work environment that is free from all forms of sexual harassment. The CREC Council condemns and prohibits all forms of sexual harassment, including, but not limited to, sexual assault, dating violence, stalking, unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive work environment; and prohibits any retaliatory acts against complainants or witnesses to sexual harassment.

Employees who believe that they have been subjected to sexual harassment should report the matter immediately so that investigation may begin at once and appropriate corrective action may be taken. Upon learning of, or having reason to suspect, the occurrence of sexual harassment, supervisors shall ensure that an investigation is promptly commenced and appropriate corrective action is taken, whether or not the individual subjected to the harassment reports the matter.

The Executive Director is directed to develop and implement specific procedures on training, reporting, investigating and remedying instances of sexual harassment.

A copy of this policy and its accompanying regulation shall be distributed to all personnel and posted in appropriate places. The Commission of Human Rights and Opportunities (CHRO) sexual harassment prevention poster shall be posted on the CREC website and provided by email to all employees with a CREC email account.

#### Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S. §2000-e2(a)  
Equal Employment Opportunity Commission Policy Guidance  
*Meritor Savings Bank, FSB v. Vinson* 477 US.57 (1986)  
29 CFR Para. 1604.11 (EEOC)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998)

Connecticut General Statutes  
46a-54 Commission Powers, as amended by P.A. 19-16  
46a-60 Discriminatory employment practices prohibited.

Policy adopted:	August 16, 2000	CAPITOL REGION EDUCATION COUNCIL
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## Personnel -- Certified/Non-Certified

### Sexual Harassment

#### Definitions

"**Employee**" includes all teaching, administrative and support personnel.

"**Immediate supervisor**" is the person to whom the employee reports directly (e.g., principal, department head).

"**Sexual harassment**" under Title VII and Connecticut law means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
3. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to:

Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;

Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks noises or gestures; impeding or blocking movement; or leering;

Sexually suggestive, derogatory, pornographic or obscene posters, letters, notes, invitations, comments, slurs, jokes, epithets, pictures or cartoons;

Continuing to express sexual interest after being informed that the interest is unwelcome;

The threat or suggestion that continued employment advancement, assignment, or earnings depend on whether or not the employee will submit to or tolerate the harassment;

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 CREC's Sexual Harassment Policy 4118.112; and

Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature.

**“Sexual harassment” under Title IX** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of CREC conditioning the provision of an aid, benefit, or service of CREC on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to CREC’s education programs or activities; or
3. Sexual assault, as defined in 20 U.S.C. 1092(f)(6)(A)(v), dating violence, as defined in 34 U.S.C. 12291(a)(10), domestic violence, as defined in 34 U.S.C. 12291(a)(8), or stalking, as defined in 34 U.S.C. 12291(a)(30).

### **Title IX Coordinator**

CREC’s Title IX Coordinator is Carlos Figueroa, Director of Human Resources. Any individual may make a report of sex discrimination and/or sexual harassment to any CREC employee; or directly to the Title IX Coordinator, in person, by mail, by electronic mail, or by telephone:

Carlos Figueroa  
147 Charter Oak Avenue  
Hartford, CT 06106  
860-509-3773  
cfigeroa@crec.org

### **Complaint Procedure Under Title VII and Connecticut Law**

Consistent with federal and state law, and all applicable provisions in the district's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

1. Employees who believe they have been subjected to sexual harassment should immediately inform the harasser that their behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.
2. Employees who believe they have been subjected to sexual harassment are to report the matter to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of supervision. Incidents of sexual harassment may be reported verbally or through a written complaint.

3. All reports of sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions in the district's collective bargaining agreements.
4. Upon receiving a complaint the supervisor shall notify the Director of Human Resources in order to arrange for investigation. No later than five working days after receipt of a complaint, the designated investigator shall commence a thorough, objective and complete investigation. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the respondent, any witnesses to the conduct, and individuals who have been subjected to similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining legally required confidentiality as much as possible, and upholding the due process rights of the complainant and the accused.
5. The investigator shall make a written report which shall include a summary of the complaint; the investigatory steps taken, including the witnesses interviewed and the statements obtained; the conclusion(s) reached; and the disposition of the matter; and shall provide copies to the complainant and the respondent, and to the Director of Human Resources. Copies of the report shall also be filed with the employment records of both the complainant and the respondent.
6. If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the complainant(s).
7. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the Director of Human Resources. The appeal must include a statement or copy of the original complaint, all relevant documents, including the names of any witnesses, the specific action being appealed, and an explanation of why the complainant is appealing.
8. The Director of Human Resources or designee will review the appeal, including the investigator's written report, the information collected by the supervisor, and the recommended disposition of the complaint. If deemed appropriate, the Director of Human Resources/designee may also conduct an investigation, including interviewing the complainant and respondent and any witnesses with relevant information. After completing the review and/or investigation, the Director of Human Resources/designee shall respond to the complainant, in writing.
9. Following a finding of sexual harassment, complainants will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for

an appropriate period of time. A report will be made of any complainant's response.

10. After a finding that sexual harassment has occurred, CREC shall take all reasonable actions to ensure that the harassment ceases and will not recur.
11. Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in CREC's collective bargaining agreements.
12. Upon learning of, or having reason to suspect, the occurrence of sexual harassment, supervisors shall notify the Director of Human Resources in order to ensure that an investigation is promptly commenced and appropriate corrective action is taken, whether or not the individual subjected to the harassment reports the matter.

## **Complaint Procedure Under Title IX**

### **A. Definitions**

**Bias** occurs when it is proven that the Title IX 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.

**Complainant** means an individual who is alleged to have been subjected to conduct that could constitute sexual harassment.

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

**Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

The following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

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.

Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.

It is the responsibility of each person engaging in sexual activity to ensure that the person

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.

It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent 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.

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 consent.

**Education program or activity** includes locations, events, or circumstances over which CREC exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) 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.

**Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

**School days** means the days that school is in session as designated on the calendar posted on CREC’s website. In its discretion, and when equitably applied and with proper notice to the parties, CREC may consider business days during the summer recess as “school days” if such designation facilitates the prompt resolution of the grievance process.

**Supportive measures** means 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 CREC’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or CREC’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.

## **B. Reporting Sexual Harassment**

It is the express policy of CREC to encourage individuals subjected to sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to have been subjected to conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If CREC receives notice of sexual harassment or alleged sexual harassment against a person in CREC's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files 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 Title IX Coordinator will explain to the complainant the process for doing so.

CREC will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in this Regulation shall preclude CREC from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in this Regulation shall limit or preclude CREC from removing a respondent from CREC's education program or activity on an emergency basis, provided that CREC 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. If a respondent is removed on an emergency basis, CREC shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Formal Complaint and Grievance Process**

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in CREC's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Executive Director. If the formal complaint being filed is against the Executive Director, the formal complaint should be filed with the CREC Council Chair, who will then retain an independent investigator to investigate the matter.
2. CREC may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate

the prompt and equitable resolution of such claims. CREC will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G, below.

3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. CREC 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 CREC to provide such supportive measures.
4. Within ten (10) school days of receiving a formal complaint, CREC will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. 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;
  - v. 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; and
  - vi. A statement of any provision in CREC's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. CREC may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to



all parties.

6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F, below. 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 CREC and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) 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. CREC will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. 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 CREC 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, CREC 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(s) will consider prior to completion of the investigative report, as described in Paragraph 9, below.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) 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.
10. The Executive Director will appoint a decision-maker(s), who shall be a CREC employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Executive Director, the CREC Council Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) 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.

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. 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, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of CREC's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions CREC will impose on the respondent, and whether remedies designed to restore or preserve equal access to CREC's education program or activity will be provided by CREC to the complainant; and (6) CREC's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating CREC's Sexual Harassment Policy 4118.112, the written determination shall indicate whether the respondent engaged in sexual harassment as defined by such policy and this Regulation. The written determination will be provided to both parties simultaneously.
12. Student respondents found responsible for violating CREC's Sexual Harassment Policy 4118.112 may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating CREC's Sexual Harassment Policy 4118.112 may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from CREC's programs, activities and/or property. In appropriate circumstances, CREC may make a criminal referral. Remedies will be designed to restore or preserve equal access to CREC's education programs or activities.
13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that CREC dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E, below.

#### **D. Informal Resolution**

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, CREC 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 Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX 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. CREC 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 an employee 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 CREC's facilitation of the informal resolution.

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

#### **E. Appeal Process**

After receiving notification of the decision-maker(s)' decision, or after receiving notification that CREC 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 Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Executive Director shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

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 Title IX 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 Title IX Coordinator, investigator(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

CREC will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

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

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

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in CREC'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 CREC policy.

CREC may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: 1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in CREC; or 3) specific circumstances prevent CREC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in this Regulation for claims of sexual harassment under Title VII or Connecticut law.

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

**G. Miscellaneous**

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by 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.
2. 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 Title IX Coordinator or designee shall make a referral to other appropriate personnel within CREC (e.g. Section 504 Coordinator), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental 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 CREC's policy on Reporting of Child Abuse and Neglect, 5141.4.
4. Retaliation against any individual who complains pursuant to CREC's Sexual Harassment Policy 4118.112 and this Regulation is strictly prohibited. Neither CREC nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Regulation, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Regulation. CREC will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures in CREC's non-discrimination policy, 4118.11.
5. CREC will maintain for a period of seven (7) years records of:
  - i. 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 CREC's education program or activity;
  - ii. Any appeal and the result therefrom;

- iii. Any informal resolution and the result therefrom; and
- iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. CREC will make these training materials publicly available on its website.

If CREC has actual knowledge of sexual harassment in an education program or activity of CREC, and for any report or formal complaint of sexual harassment, CREC 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. CREC 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 CREC's education program or activity. If CREC does not provide a complainant with supportive measures, then CREC will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **Further Reporting**

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

### **Training**

All employees, except those who were provided sexual harassment training and education after October 1, 2018, shall be provided two hours of such training and education by October 1, 2020. Employees hired on or after October 1, 2019 shall be provided such training and education no later than six months after their date of hire. Supplemental training that updates the content of the sexual harassment training and education shall be provided to all employees at least every five years.

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