



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

October 17, 2023

Cynthia Ritchie, Superintendent  
By email: ritchiec@newlondon.org

Re: Compliance Review No. 01-20-5001  
New London Public Schools

Dear Superintendent Ritchie:

This letter is to advise you of the outcome of the above-referenced compliance review of New London Public Schools (District), which the U.S. Department of Education, Office for Civil Rights (OCR) initiated on March 12, 2020.

OCR initiated this compliance review pursuant to our authority under the Title IX regulation at 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation at 34 C.F.R. § 106.71, which incorporates by reference the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, at 34 C.F.R. § 100.7(a). This regulation authorizes OCR to periodically review the practices of recipients to determine whether they are complying with the laws OCR enforces.

### **Summary of Findings and Concerns**

OCR determined that the District violated Title IX as follows:

- The District did not ensure adequate Title IX coordination and oversight during the 2020-2021 and 2021-2022 school years.
- The District did not adopt and publish grievance procedures that complied with the Title IX regulation.
- The District did not respond equitably to complaints of employee-involved sexual harassment during the 2018-2019 school year.<sup>1</sup>

OCR also identified the following concerns:

- The District may not have ensured adequate Title IX coordination and oversight during the 2019-2020 school year.
- The District's recordkeeping practices with regard to Title IX complaints may not have been compliant with the Title IX regulation (incorporating 34 C.F.R. § 100.6(b)).
- The District may not have responded equitably to complaints of student-involved sexual harassment during the 2017-2018, 2018-2019, and 2019-2020 school years.

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<sup>1</sup> For purposes of this compliance review, the term "student-involved sexual harassment" means an allegation of sexual harassment by a student-respondent against another student; "employee-involved sexual harassment" means an allegation of sexual harassment by an employee-respondent against a student.

Because OCR identified both violations of Title IX and compliance concerns during its investigation of this compliance review, OCR determined that it was appropriate to resolve the allegations in this compliance review pursuant to Section 303(c) of its *Case Processing Manual*, which provides that a “mixed determination” is appropriate for complaints with multiple allegations where the allegations will be resolved in different ways.

The relevant facts, legal standards, and conclusions are summarized below.

### **Methodology**

The District is in southeastern Connecticut and serves more than 3,000 students. The District is comprised of four elementary schools that serve students in kindergarten through fifth grade, one middle school that serves students in sixth grade through eighth grade, and one high school.

OCR’s compliance review examined the District’s handling of complaints of sexual harassment, including sexual violence, for the 2017-2018, 2018-2019, and 2019-2020 school years (the Review Period). Because the U.S. Department of Education’s amended Title IX regulation took effect in August 2020, this portion of the investigation reviewed compliance with the regulation in effect during the academic years OCR had notified the District OCR would review.

OCR analyzed case file information regarding the District’s response to reports of sexual harassment over the Review Period; the District’s Title IX policies and grievance procedures; and documents related to employee training on sexual harassment and other initiatives undertaken by the District to reduce instances of, and respond appropriately to, sexual harassment. OCR also interviewed the District’s Title IX Coordinator.<sup>2</sup> Additionally, OCR reviewed materials related to a State agency’s investigation into the District’s handling of staff-involved sexual harassment.

OCR also examined the District’s coordination of its Title IX responsibilities.

### **LEGAL STANDARDS**

OCR applied the Title IX regulation in effect during the Review Period.<sup>3</sup>

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), states: “Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.”

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<sup>2</sup> For purposes of this letter, “Title IX Coordinator” refers to the individual employed by the District in the position during the 2020-2021 and 2021-2022 school years whom OCR interviewed in March 2022 and discusses further below. OCR also refers generally to the position of “Title IX coordinator” when discussing the position in the context of the District’s Title IX processes versus a specific individual.

<sup>3</sup> Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). The Title IX regulation that was in effect for purposes of this compliance review can be found [here](#).

Sexual harassment is a form of sex discrimination prohibited by Title IX. Sexual harassment can include unwelcome sexual advances and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

The Title IX regulation requires that each recipient notify applicants for admission and employment, students and parents of elementary and secondary school students and employees, among others, that it does not discriminate on the basis of sex in its education programs or activities and that it is required by Title IX not to discriminate in such a manner. The Title IX regulation requires that the notice state, at least, that the requirement not to discriminate in the education program or activity extends to employment therein and admission thereto unless Subpart C of the regulation does not apply and that inquiries concerning Title IX can be referred to the Title IX coordinator or to OCR. *See* 34 C.F.R. § 106.9(a).

In addition, the Title IX regulation requires each recipient to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX. Under the Title IX regulation, a recipient is also required to notify all its students and employees of the name, office address, and telephone number of the employee(s) designated as the recipient's coordinator of its Title IX responsibilities. *See* 34 C.F.R. § 106.8(a).

The Title IX regulation also requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX. *See* 34 C.F.R. § 106.8(b). There is no fixed time frame to determine whether a resolution has been prompt; rather, OCR evaluates a recipient's good faith efforts under the circumstances. An equitable response requires a trained investigator to analyze and document the available evidence to support reliable decisions, and any rights or opportunities that a recipient makes available to one party during an investigation should be made available to the other party on equal terms. OCR evaluates on a case-by-case basis whether the resolution of a sexual harassment complaint was prompt and equitable.

A school has a responsibility to respond to notice of sexual harassment. An appropriate response may include taking interim measures prior to or during the investigation of a complaint. Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations.

The current Title IX regulation at 34 C.F.R. § 106.8(a) states: "Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee must be referred to as the 'Title IX Coordinator.'"

## **SUMMARY OF THE EVIDENCE**

### ***Title IX Coordinator***

The District's Title IX coordinator in place during the Review Period took periodic extended [redacted content] leave during the 2019-2020 school year. While he served as the Title IX coordinator when present, the District delegated coverage of Title IX duties in his absence to its Executive Director of School and Family Support, and to two other individuals: an interim Human Resources administrator, and a consultant hired by the District. The Executive Director of School and Family Support joined the District in July 2019 and has a background in Title IX. The Executive Director of School and Family Support explained that the consultant supported the District in an almost full-time capacity during the 2019-2020 school year, and that all three individuals were notified of Title IX complaints when the Title IX coordinator was absent. However, she explained that her Title IX duties during the 2019-2020 school year were "minimal" and that she may have only been involved in one Title IX case resolution.

The District formally appointed the Executive Director of School and Family Support as the District's Title IX coordinator (hereinafter Title IX Coordinator) for the 2020-2021 school year. The Title IX coordinator who had been on [redacted content] leave during the 2019-2020 school year did not serve as the District's Title IX coordinator for any portion of the 2020-2021 school year and passed away in fall of 2020. According to OCR's investigation, the Title IX Coordinator split responsibilities and oversight of Title IX matters with another District administrator, the Executive Director of Talent and Human Resources. Under the system in place during the 2020-2021 and 2021-2022 school years, these two administrators divided their oversight of sexual harassment complaints: the Title IX Coordinator oversaw allegations of student-involved sexual harassment, and the Executive Director of Talent and Human Resources oversaw allegations of staff-involved sexual harassment. This same division of responsibility between student- and employee-related matters remained in place during the 2022-2023 school year.

During the Review Period through the present, the District also designated building-level Title IX coordinators at each school. The building-level Title IX coordinators were generally responsible for investigating and resolving matters involving student-respondents during the Review Period. This practice continued through at least the 2021-2022 school year, as confirmed by the Title IX Coordinator during her March 2022 interview with OCR. The Title IX Coordinator also explained that in some circumstances she or her designee would conduct the investigation if there was a concern about bias.

### ***Recordkeeping***

According to the District's data response, the building-level Title IX coordinators were responsible for recording, tracking, and resolving allegations of student-involved sexual harassment using several templates to record and track investigative information during the Review Period (a District investigative report, an investigative adult report, a student statement

form, and a non-student statement form).<sup>4</sup> However, the District did not provide OCR with records indicating that any of these templates were utilized for 12 out of 20 case files, nor did it generally produce comparable forms memorializing its investigative actions. The District explained that its efforts to collect responsive records were hindered both by the death of the previous Title IX Coordinator, who kept paper records, and by construction at the middle and high schools, where additional records were stored. In her interview with OCR, the Title IX Coordinator stated that no later than the 2019-2020 school year, all records on student-involved sexual harassment are turned over to the Human Resources office once a case is completed. Nonetheless, the Title IX Coordinator was unable to speak to whether this actually occurred prior to being appointed as Title IX Coordinator in fall 2020. The District introduced a centralized electronic recordkeeping system in the 2020-2021 school year and stated that it did not expect similar concerns regarding record maintenance and production to arise in the future.

The District records and tracks reports of student-involved sexual harassment in its software program, PowerSchool. OCR identified two incidents of alleged sexual harassment that were not listed in the PowerSchool log, which purports to capture all reports of student-involved sexual harassment during the Review Period. Specifically, OCR reviewed an email related to the District's investigation of alleged sexual harassment involving middle school students during the 2017-2018 school year; however, this incident was not included in the PowerSchool log. In another incident at an elementary school during the 2018-2019 school year, the investigating administrator's case notes reflect that she was referring the case to the Connecticut Department of Children and Families (DCF) due to its connection to the previous year's "Pre-Title IX," involving the student-respondent. While the 2018-2019 incident was included in the PowerSchool log, the related 2017-2018 "Pre-Title IX" incident was not.

Sexual harassment complaints against employees were referred to the Human Resources Office and the Title IX Coordinator for resolution. During the Review Period and through the present, these employee records are maintained in the Human Resources Office. Unlike the student-involved sexual harassment files, the employee-involved sexual harassment files were generally comprehensive and memorialized the District's investigative actions.

### ***Grievance Procedures***

The District provided OCR with its Title IX policies and procedures that were in effect during the Review Period. Of these, OCR identified four different grievance procedures for resolving complaints of discrimination based on sex: Policy 4000.1 (*Personnel – Certified/Non-Certified, Title IX*), (approved in 2005 and revised in fall 2019); Policy 4141.4 (*Reports of Suspected Abuse or Neglect of Children or Sexual Assault of Students by School Employees*) (approved in fall 2019); Policy 0521.1 (*Grievance Procedure for Section 504, Title IX, and Title VII Regulations*) (approved in 2005); and Policy 0521 (*Nondiscrimination*), (approved in 2016). Policies 4141.4 and 0521 remain available on the District's website during the 2022-2023 school year and do not indicate they have been rescinded.<sup>5</sup> The District, in its data response and during the Title IX Coordinator's interview with OCR, was unable to identify the specific grievance procedure(s) it

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<sup>4</sup> The investigative process and recordkeeping procedures have been revised since the Review Period, as detailed below.

<sup>5</sup> As discussed below, the District created new Title IX grievance procedures after the Review Period.

followed during the Review Period for complaints against students. The District also did not explain the different grievance procedures' applicability when they appear to overlap as to student and employee sex discrimination complaints.

a. Policy 4000.1 (*Personnel – Certified/Non-Certified, Title IX*)

Policy 4000.1 sets forth a process for resolving Title IX complaints against employees. The policy states that complaints shall be filed in writing with the Board-designated Compliance Officer (defined as the Assistant Superintendent). The Compliance Officer is responsible for investigating all complaints, effectuating any changes necessary to eliminate discrimination, and informing the complainant in writing of the Compliance Officer's actions within 10 days of complaint receipt. Appeals may be filed with the Superintendent and then the Board of Education. Employees who are represented by labor organizations are directed to process all complaints of alleged Title IX violations through the grievance procedures set forth in the applicable collective bargaining contracts. As noted above, Policy 4000.1 no longer appears on the District's website.

b. Policy 4141.4 (*Reports of Suspected Abuse or Neglect of Children or Sexual Assault of Students by School Employees*)

Policy 4141.4 states, in relevant part, that all school employees must report suspected sexual assault of a student by a school employee.<sup>6</sup> Mandated reporters are required to file with DCF or law enforcement and with the building principal (or designee) or the Superintendent (or designee). Non-mandated reporters must notify the Superintendent (or designee), who will file a report with DCF or law enforcement if there is reasonable cause to suspect or believe a child is a victim of sexual assault by a school employee. The Superintendent will "thoroughly investigate" the report upon notice from DCF or law enforcement that the District's investigation will not interfere, and will give priority to any DCF/law enforcement investigation. The District's investigation will include the opportunity for the respondent to respond to the allegations and will seek to minimize the number of interviews a suspected student victim of sexual assault must undergo.

If DCF determines there is reasonable cause to believe that a student has been sexually assaulted by a District employee, the Superintendent is directed to suspend the employee. Additional employment actions will be taken in accordance with state law. The policy further provides that, regardless of DCF's/law enforcement's findings, the District may take disciplinary action if the Superintendent's investigation produces evidence that a student has been a victim of sexual assault by a school employee.

As noted above, Policy 4141.4 still appears on the District's website.<sup>7</sup>

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<sup>6</sup> The policy also addresses suspected child abuse and/or neglect, nonaccidental physical injury, and imminent risk of serious harm.

<sup>7</sup> <https://www.newlondon.org/cms/lib/CT50000644/Centricity/domain/38/boe%20policies/4141.4%20-%20Child%20Sex%20Abuse%20or%20Assault%20Response%20and%20Reporting.pdf> (last accessed May 26, 2023).

c. Policy 0521.1 (*Grievance Procedure for Section 504, Title IX, and Title VII Regulations*)

Policy 0521.1 describes the process for responding to complaints of discrimination filed against students and employees under the above-referenced laws. The policy sets forth both informal and formal procedures. Under the informal procedure, a complainant (student, employee, or applicant to a program) is directed to contact the “Building principal/supervisor” within 30 days of the alleged discrimination to discuss the complaint. At that time, the building principal/supervisor will explain the grievance procedures and commence an investigation within 10 working days of complaint receipt, including informal meetings with the parties, confidential counseling where advisable, and an attempt to help the parties reach an informal resolution.

If the complainant is dissatisfied with the informal resolution process, the complainant may initiate the formal process by submitting a written complaint to the building principal/supervisor within 20 school days of the initial informal meeting. The building principal then has five days to render a decision and explain to the complainant, in writing, the reasons for the decision. Appeals may be filed with the Superintendent and then the Board of Education. As noted above, Policy 0521.1 no longer appears on the District’s website.

d. Policy 0521 (*Nondiscrimination*)

The District identified Policy 0521 as its notice of nondiscrimination; however, it also contains a complaint procedure for students, employees, and third parties alleging discrimination based on gender, sexual orientation, or gender identity or expression.<sup>8</sup> Covered individuals alleging discrimination under this policy are directed to file an oral or written complaint with the building principal. The building principal will then conduct an investigation (unless directed otherwise by the Compliance Officer), which “may” consist of interviews with the parties and other knowledgeable individuals and review of information/materials. The building principal will issue a decision to the parties within 15 days (unless additional time is required), including a summary of the investigation, a determination of whether the complaint has been substantiated and whether it is a violation of this policy, and a recommended disposition. Upon substantiation of the complaint, the District will take prompt, corrective action to ensure that such conduct ceases and will not reoccur. Appeals may be filed with the Compliance Officer. As noted above, Policy 0521 still appears on the District’s website.<sup>9</sup>

***The District’s Response to Reports of Sexual Harassment***

The District identified three reports of employee-involved sexual harassment and 20 reports of student-involved sexual harassment during the Review Period, a total of 23 reports involving 20 respondents. Ten reports were at the elementary school level, nine were at the middle school level (one of which involved sexual harassment of students by an employee), and four were at

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<sup>8</sup> The District also identified policies that were not grievance procedures, but rather policies expressing the District’s commitment to provide an environment free of sexual harassment, such as Policies 4112.112 (*Sex Discrimination and Sexual Harassment in the Workplace Personnel Policy for Personnel*, approved in fall 2018) and 5145.5 (Regarding Sex Discrimination and Sexual Harassment (Students), approved in fall 2018).

<sup>9</sup> <https://www.newlondon.org/cms/lib/CT50000644/Centricity/domain/38/boe%20policies/0521%20-%20Nondiscrimination.pdf> (last accessed May 26, 2023).

the high school level (two of which involved sexual harassment of students by an employee). Of these 23 reports, there were 12 recorded allegations of unwelcome physical contact.

The District produced limited documents related to reports of, and its response to, alleged sexual harassment, most notably for student-involved sexual harassment. For example, the District only produced four case files with an associated investigative report summarizing the District's investigative steps and findings. For nine of the reports, the District solely provided OCR with a log from PowerSchool – containing the incident's date, location, description, and outcome. For three other reports, the District produced one additional document (a discipline log).

### *Reports of Staff-Involved Sexual Harassment*

During the 2018-2019 school year, two District employees – Employee 1 and Employee 2 – were accused of sexually harassing District students.

#### a. Employee 1

In March 2019, DCF notified the District that a complaint had been filed against Employee 1, the [redacted content] at a District elementary school, for allegedly sexually assaulting two District middle school students inside the school. The assaults were alleged to have occurred in 2016 and 2017, while Employee 1 was a middle school employee. Employee 1 was also accused of recording the sexual assaults and sharing those videos with others.<sup>10</sup>

The District immediately placed Employee 1 on paid administrative leave on March 20, 2019 upon notification of the allegations by DCF. Employee 1's employment was subsequently terminated on May 13, 2019 after Employee 1 failed to appear at a mandatory pre-termination hearing. The District acknowledged in its narrative response to OCR that it did not conduct an independent investigation of the allegations because they were being investigated by the police and DCF. The information OCR reviewed to date indicates that the District took some responsive measures, such as dispatching crisis teams and holding parent meetings. The District also made a number of systemic changes to its Title IX system in the wake of the allegations against Employee 1 and Employee 2, which are detailed further below.

#### b. Employee 2

Employee 2 was a [redacted content] at the District's middle school and a [redacted content] coach at the high school during the 2018-2019 school year. Two reports of sexual harassment were filed with the District against him in March and May 2019.

On March 21, 2019, a student told a District employee that Employee 2 was having a sexual relationship with a District high school student. The employee reported this information to the High School [redacted content] on March 22, 2019, who immediately notified the High School

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<sup>10</sup> Employee 1 was arrested in May 2019 and charged with several crimes, including second-degree sexual assault, third-degree possession of child pornography, dissemination of voyeuristic material, and risk of injury to a minor. He pleaded no contest to two charges of risk of injury to a minor under a plea agreement and was sentenced to seven years in prison in April 2022.



Principal in writing, and Employee 2 was placed on administrative leave that day. On March 25, 2019, the District notified DCF of the allegation and began conducting what it referred to as a “preliminary investigation” in its letter of finding. According to the documentation provided, the preliminary investigation consisted of discussions with the allegedly harassed student, Employee 2, and the High School [redacted content]. The allegedly harassed student and Employee 2 denied having a sexual relationship. On March 28, 2019, the District sent Employee 2 a letter finding the allegation was unfounded and cleared him to return to work.

On May 9, 2019, a student reported to a District employee that, among other things, Employee 2 had engaged in a sexual relationship with another student, that the harassed student in the March 2019 report lied about her relationship with Employee 2, and that Employee 2 referred to a student as a “quick hit” in a conversation with another student. The student reporter expressed frustration that Employee 2 had been allowed to return to work and stated that no one was looking out for her classmates’ wellbeing. The student also noted that the entire [redacted content] knew about the relationship between Employee 2 and a student. On May 10, 2019, the employee notified the High School Principal of the new allegations against Employee 2. The District placed Employee 2 on administrative leave that day and notified DCF and the police. The District interviewed two paraprofessionals and at least one student about the allegations that month. On June 13, 2019, Employee 2 was terminated after failing to attend a pre-termination hearing.<sup>11</sup> OCR did not review any evidence demonstrating the District engaged in further investigative actions following Employee 2’s arrest on June 24, 2019.

Information reviewed by OCR indicates that at least two District employees may have been aware of Employee 2’s alleged misconduct but did not report it. One [redacted content] told the High School Principal during a May 23, 2019 interview that “everybody knew” about Employee 2’s relationship with a student.<sup>12</sup> A second staff member was arrested and charged with failing as a mandated reporter to report sexual misconduct of which she was allegedly aware concerning Employee 2.<sup>13</sup>

### *Reports of Student-Involved Sexual Harassment*

OCR reviewed the District’s response to the 20 reports of alleged student-involved sexual harassment in the District’s files. Of these 20 reports, the District produced four case files with an associated investigative summary. For the remaining 16 reports, OCR reviewed the District’s PowerSchool log (which was the only document produced for nine reports), incident reports, discipline logs, and/or staff emails. The District generally resolved the allegations between one day (in eight cases) and 16 days upon receipt of a report of sexual harassment. For four cases, however, the District did not provide OCR with information about the timing of its investigations/responses.

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<sup>11</sup> Employee 2 was arrested on a charge of sexual assault in the second degree in May 2019. In September 2020, the State’s Attorney’s office declined to prosecute Employee 2’s case.

<sup>12</sup> The School Resource Officer wrote in an internal email that he believed the relationship took place before Employee 2 was employed by the District, and the student was over 16.

<sup>13</sup> The staff member resigned from her position and the State’s Attorney’s office subsequently determined it would not prosecute her.

a. Elementary School Level

Of the 10 student-involved reports at the elementary school level, two case files note interim measures during the course of the investigation (immediate separation of students) and remedial measures for the harassed students upon substantiation of the allegations (changes to the respondents' class schedules, counseling). The remaining eight elementary school case files focus mostly or exclusively on the actions taken to address the incidents with the respondents. OCR observed in one case file, for example, that the District discussed a substantiated incident of inappropriate touching with the respondent and his family and suggested counseling; however, the file makes no mention of whether the respondent received counseling or whether the incident was similarly addressed with the harassed student and her family, and if any consideration was given to how to remedy the effects of the harassment and prevent recurrence.

In addition, OCR's review indicates that serial harassment involving student-respondents occurred or may have occurred:

- One of the respondents was involved in three separate incidents of inappropriate touching during the 2018-2019 school year. For the first two incidents (touching one student's skirt on two separate occasions), the District informed the respondent's parent and said the respondent needed to stay away from the harassed student. The District's Title IX records do not indicate if the respondent received disciplinary consequences and if the District monitored the respondent's behavior and separated the students after the first and/or second incident. Approximately six weeks after the second incident, the respondent's behavior escalated and he was accused of touching a second student's bottom and genitals, prompting the District to file a report with the DCF. Aside from contacting the respondent's parent, the file does not reflect whether the District took any other action than to report to DCF in response to the third allegation, including whether it conducted an investigation, contacted the harassed student's parent, or took any steps to address the needs of the harassed student.
- During the 2018-2019 school year, a second respondent was accused of grabbing the buttocks of another student. The PowerSchool log notes the District investigated and "addressed" the incident with the respondent, but that no additional follow-up was needed. The District's Title IX records also do not indicate what investigative steps were taken by the District, how it addressed the incident with the respondent, whether it offered any supportive measures to the harassed student, and why it determined no further action was needed. Approximately 10 months later, the District held a meeting with the respondent's parents concerning a safety plan to monitor the respondent, which raises a question, unanswered in the files, whether the respondent engaged in other related behavior or what behavior prompted the safety plan.
- In a third incident during the 2018-2019 school year, the District substantiated an allegation that a [redacted content] grade student-respondent told a peer he was going to rape her. The District referred the complaint to DCF because of its connection to a "Pre-Title IX inquiry" from the 2017-2018 school year involving the same student-respondent. The District did not provide OCR with information about the "pre-Title IX inquiry," including how it responded at the time. In addition, the Title IX Coordinator told OCR

that she was unfamiliar with a “pre-Title IX inquiry” and that it was no longer part of the District’s process.

b. Middle School Level

The District reported eight substantiated incidents of sexual harassment involving a student-respondent at the middle school level, all but one of which resulted in the out-of-school suspension of the respondent. Four of those case files note, at most, that the District met with the respondents and their families prior to issuing disciplinary consequences; however, the case files do not indicate whether the District also met with the harassed students and their families and offered both parties the opportunity to present evidence and witnesses. In the remaining three cases that resulted in out-of-school suspensions, a description of the investigative steps was either absent or lacked critical details, such as noting that the respondent was dismissive of the allegations “until evidence was shown”, without describing the evidence and the basis for discipline.

For four incidents, the respondents’ families received letters substantiating that the sexual harassment occurred and outlining the disciplinary consequences. The harassed students’ families, however, did not receive comparable letters, nor was there indication from OCR’s records review that they were otherwise notified of the outcome. Additionally, while some case files did not include written notice to either party at any point in the resolution process, there were often other records (e.g., PowerSchool log; disciplinary records) establishing that investigative information was orally conveyed to the respondents’ families. Those same records are silent as to whether the complainants’ families received similar information. Specifically, OCR reviewed six incidents in which the PowerSchool log and/or other documents reflect that the respondents’ families were contacted to discuss the substantiated reports of sexual harassment; however, these materials do not reference whether the harassed students’ families were also contacted.

c. High School Level

The District produced records related to two reports of student-involved sexual harassment at its high school. In one case of alleged sextortion during the 2017-2018 school year, the District immediately put interim measures into place, excusing the allegedly harassed student for early dismissal and separating the parties while the investigation was pending. After the sexual harassment allegation was substantiated, the District continued to separate the students and recommended the respondent for expulsion. By contrast, in another case, after substantiating an allegation of unwelcome sexual gestures and comments during the 2018-2019 school year, the District increased the respondent’s counseling; however, there is no documentation showing that it offered supportive or remedial measures to the harassed student.

***Recent District-Wide Title IX Changes***

In 2019, the Connecticut Office of the Child Advocate (OCA) commenced an investigation into the District’s response to allegations of abuse and neglect of students and the alleged failure of District employees to report suspected abuse or neglect. In February 2022, the OCA issued its

findings and recommendations. The OCA report noted deficiencies regarding the lack of a documented independent Title IX response to the allegations against Employees 1 and 2, as well as an absence of records demonstrating that the District addressed the educational losses suffered by the victim of Employee 2's actions and offered other supportive services. The OCA findings also noted structural deficiencies in the District's Title IX compliance framework, including a lack of information and training for staff, students, and parents regarding adult sexual misconduct, as well as an absence of policy provisions regarding adult sexual misconduct. The OCA recommended that the District create multiple reporting points for students and develop comprehensive and ongoing Title IX trainings for all stakeholders.

OCR confirmed that the District made changes to its Title IX response system that address many of the OCA's concerns, including, but not limited to, the following:

- Adoption of revised Title IX policies and a 15-step grievance process for responding to reports of Title IX sexual harassment (detailed below).
- Creation of sample investigation materials (e.g., sample investigative report, sample written determination regarding responsibility).
- Establishment of an electronic database at each school to receive and track complaints with oversight by the Human Resources and Central Offices (detailed below).
- Easier methods for reporting incidents, including the introduction of a reporting app and a complaint form available on District's website.
- Increased Title IX training during the onboarding of new staff, training of current staff, and training of students and parents, including on the following topics: new Title IX regulations, identifying and preventing adult sexual misconduct, teen dating and sexual assault prevention, mandated reporter requirements, and internet safety and exploitation.
- New leadership, including new District-level and building-level Title IX coordinators and new leadership teams at the high school and middle school (detailed below).
- Establishment of a Mental Health Department and Climate and Culture Department.

The OCA closure documents did not contain any forward-looking provisions of monitoring reports or review of case files to assess ongoing compliance.

a. Revised Title IX Policies and Grievance Procedures

The District informed OCR that in December 2021 it adopted new Title IX policies and procedures: Policy 4112.112 (*Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*), Policy 5145.5 (*Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students)*), and a 15-step grievance process.

Under Policies 4112.112 and 5145.5, which are virtually identical, any individual may make a report of sex discrimination and/or sexual harassment to any employee or directly to the Title IX Coordinator; any employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Employees may also make a report of sexual harassment and/or sex discrimination to OCR or to the Connecticut Commission on Human Rights and Opportunities. District administration shall provide training to Title IX Coordinator(s), investigators, decisionmakers,

and any person who facilitates an informal resolution process, make the training materials publicly available on the Board of Education’s website, and distribute the policies and the accompanying Administrative Regulations (developed by the Superintendent to implement the policies) to staff, students and parents and legal guardians and make the policies and the Administrative Regulations available on the Board’s website. OCR did not locate the Administrative Regulations on the District’s/Board’s websites. The Title IX Coordinator in her interview with OCR did state, however, that the District follows a 15-step grievance process for responding to complaints of sexual harassment. Administrators are provided with these procedures, which are also shared with the complainant upon notice of the harassment and the respondent if a formal complaint is filed.

The District developed a 15-step checklist setting forth its grievance process for responding to actual notice of sexual harassment. Each step describes, in detail, both what to do and who is responsible throughout the Title IX process from notice of sexual harassment through implementation of responsibility determination/informal agreement and recordkeeping. For example, the checklist provides that the Title IX Coordinator will explain to the complainant the process for filing a formal complaint, offer supportive measures with or without a formal complaint, and determine if emergency removal of a student respondent or administrative leave of an employee respondent is required. If a formal complaint is filed, the Title IX Coordinator (suggested) will provide the respondent with a copy of the complaint and information about the grievance process and consider the informal grievance process. Assuming the complaint is not resolved informally, the investigator will then conduct an investigation (including an equal opportunity for the parties to provide witnesses and other evidence), allow the parties to review the evidence, and draft the investigative report. The decisionmaker will provide the opportunity for the parties to submit written questions and draft the responsibility determination (issued to the parties simultaneously). The Title IX Coordinator is tasked with implementation of the determination including remedies for the complainant and will retain required records for seven years.

b. Recordkeeping

During the 2020-2021 school year, the District introduced an electronic database at each school to intake all complaints involving both students and staff. The database assigns an intake number and records the date filed, the complainant’s name (if provided), subject of the allegation, status of the allegation, and the ultimate disposition and person tasked with closing the matter. Designated staff in the Human Resources and Central Offices have access rights to each school’s database to provide oversight and ensure compliance. In addition, the Title IX Coordinator explained to OCR that, at least during the 2020-2021 and 2021-2022 school years, the underlying records of responsive actions (outlined in the 15-step checklist) are turned over to the Executive Director of Talent and Human Resources, who is also generally responsible for maintaining electronic and paper records for both student and employee Title IX complaints. The Title IX Coordinator was unable to explain to OCR what information is saved in the electronic files and deferred to the Executive Director of Talent and Human Resources. OCR asked the Title IX Coordinator how she would go about identifying and locating these records; the Title IX Coordinator responded that she would need to contact the Executive Director of Talent and Human Resources for this information.

c. Current Title IX Coordinator

The District hired a new Title IX coordinator for the 2022-2023 school year to oversee student-related issues. In addition, the District now identifies the Executive Director of Talent and Human Resources as a Title IX coordinator as well; the District’s website lists these positions as: “Title IX Coordinator – Student Related Issues,” and “Title IX Coordinator – Non-Student Related Issues,” respectively.

**ANALYSIS**

OCR determined that the District violated Title IX with respect to its coordination of Title IX responsibilities in the 2020-2021 and 2021-2022 school years; its Title IX grievance procedures; and in its response to employee-involved sexual harassment during the Review Period. In addition, OCR identified compliance concerns in other areas identified below. These findings and concerns are explained below.

***Violation Findings***

a. Title IX Coordinator (2020-2021 and 2021-2022 School Years)

OCR concludes that the District’s manner of splitting Title IX responsibilities between two coordinators during the 2020-2021 and 2021-2022 school years did not ensure that there was sufficient oversight to ensure compliance with the Title IX regulation, as required. While schools may have multiple employees responsible for Title IX matters, fulfilling the Title IX regulation requires overall coordination and oversight of all Title IX matters, including sexual harassment, to ensure consistent practices and standards in handling complaints and investigations, and to identify patterns and concerns that may warrant follow-up action. Here, the Title IX Coordinator acknowledged that she did not have direct access to any sexual harassment case files, which were all maintained by the Executive Director of Talent and Human Resources; nor was she aware of their contents. This inequitable ability to readily access student-involved case files, coupled with the District’s designation of two Title IX coordinators with discrete oversight responsibilities (student vs. employee), indicates both a lack of oversight over all Title IX matters and coordination between the two Title IX coordinators.

b. Title IX Grievance Procedures

OCR concludes that the District’s Title IX grievance procedures in effect for the Review Period were not compliant with the Title IX regulation. First, the District did not provide effective notice about its Title IX grievance procedures for complaints against students and employees. The existence of multiple overlapping procedures may have caused confusion as to which procedures would apply to which allegations of sexual harassment and, therefore, did not provide sufficient notice of the grievance procedure applicable to complaints of sexual harassment. OCR notes that even the Title IX Coordinator was unable to untangle and explain these various processes. All four policies reviewed by OCR apply to complaints of sex-based discrimination by a District employee, and both Policy 0521.1 and Policy 0521 apply to complaints of sex discrimination by a District student. This is problematic because each policy sets forth a

different complaint procedure, including with whom to file the complaint, the identity of the investigator, the scope of the investigative activities, and to whom notice of outcome is provided. For example, under Policy 4000.1, a Title IX complaint against an employee is filed with and investigated by the Assistant Superintendent (the details of the investigation are not specified) and a decision is reached within 10 days with notice to only the complainant. On the other hand, under Policy 0521, which also applies to Title IX complaints against employees, complaints are filed with and investigated by the building principal who may conduct interviews/data review, and a decision is reached within 15 days with notice to both parties. OCR found that the procedures in place were so intertwined that it made it difficult for covered individuals, as well as District staff, to understand relevant rights and the District's obligations under Title IX.

Second, three of the District's policies fail to state that both parties will have the opportunity to present witnesses and other evidence. Specifically, Policies 4000.1, 4141.4, and 0521.1 provide no details about the investigative process, noting only that complaints will be investigated.<sup>14</sup> Further, while Policy 0521 discusses interviews and document review, these investigative actions are presented as possibilities rather than requirements. Third, under Policies 4000.1 and 0521.1, the notice of outcome is only provided to the complainant, rather than both parties. OCR therefore found that the District did not have processes in place to ensure equitable investigations, including the opportunity to provide witnesses and evidence, or receive notice of the outcome.

Finally, noticeably absent from all four policies is an assurance that steps will be taken both to prevent recurrence of any discrimination and to correct its effects. Policy 0521.1 is the most unclear as to what actions the District will take upon substantiation of discrimination, stating only that the investigator will "render a decision." Policy 4141.4 solely discusses disciplinary action against the respondent employee. Under Policy 4000.1, the District is directed to "effectuate any changes deemed necessary to eliminate any discriminatory practices" but preventing recurrence and corrective actions are not mentioned. And while Policy 0521 does state that the District shall take prompt, corrective action to ensure that discriminatory conduct ceases and will not reoccur, it does not address remedying the effects of discrimination on the victim. The absence of this assurance in the policies is mirrored by the case files reviewed by OCR, which, as discussed below, raised concerns about recurring harassment and corrective action focused primarily, or often solely, on the respondent.

OCR notes that the District's new 15-step grievance process provides both parties with notice of outcome and the opportunity to present witnesses and evidence; references supportive, interim, disciplinary, and remedial measures; and includes clear investigative standards. OCR remains concerned, however, about how individuals are notified of the grievance process when it is not available on the District's website and is only provided to parties upon notice of sexual harassment, as well as the continued availability of Policies 4141.4 and 0521 on the District's website.

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<sup>14</sup> Under the informal process in Policy 0521.1, the investigator is directed to informally meet with both parties; however, the formal process outlined in Policy 0521.1 does not specify what additional steps, if any, the investigator will take to reach a decision upon receipt of a formal complaint.

c. Response to Allegations of Employee-Involved Sexual Harassment

OCR concludes that the District’s response to the allegations of employee-involved sexual harassment during the 2018-2019 school year was not equitable, and therefore violated the Title IX regulation. In the case of Employee 1, the District abdicated its Title IX responsibility entirely: the District informed OCR that it did not conduct an independent Title IX investigation because the matter was being investigated by the police and DCF. In the case of Employee 2, the District conducted what it characterized as a “preliminary investigation” upon receiving the first report of alleged sexual harassment and cleared Employee 2 to return to work. When the District subsequently received further allegations against Employee 2 two months later, the District then again largely relied on DCF and the police to investigate the second set of allegations.

These actions did not comport with the District’s obligation under Title IX to investigate whether sex discrimination occurred. Whereas a criminal investigation would assess whether to prosecute Employees 1 and 2, the District had its own separate Title IX obligation to investigate the alleged discrimination, and if found to have occurred, remedy the effects of any sexual harassment on the victim and school community and to prevent recurrence of such harassment. By not conducting an investigation under Title IX, the District failed to assess whether students were subjected to a hostile environment as a result of Employee 1 and 2’s conduct or whether steps were needed to end or prevent a recurrence of such a hostile environment. Furthermore, as to Employee 2, the District’s failure to fully investigate the two reports of sexual harassment is especially concerning in light of the evidence that one or more District employees may have been aware of Employee 2’s alleged misconduct but failed to report it, and a student witness’s statement that the entire [redacted content] knew of Employee 2’s relationship with a student.

**Concerns**

a. Title IX Coordinator (2019-2020 School Year)

OCR is concerned that the District may not have ensured adequate Title IX coordination and oversight during the 2019-2020 school year. Throughout this period, the prior Title IX coordinator took periodic extended [redacted content] leave, and the Title IX Coordinator, who was one of three individuals delegated Title IX duties, admitted that her Title IX role was “minimal.” While it is unclear whether the Title IX Coordinator was expected to play any meaningful role at this time (as compared to subsequent school years), the record does not indicate the degree of coordination between the prior Title IX coordinator and the three other individuals, or whether and how the District ensured overall coordination responsibilities at this time, particularly when the prior Title IX coordinator was absent.

b. Recordkeeping

The District’s case files were notably incomplete, particularly for student-involved files. Of the 20 reports of alleged sexual harassment involving students for which the District maintained records, the District provided only four completed investigative reports which explain the evidence reviewed and conclusions reached; the remaining 16 reports were thinly documented, making it difficult to discern whether investigative or other appropriate steps were taken to



determine what occurred and whether the resolutions were equitable. The District also did not produce any investigative records for two incidents it reports it investigated, besides a PowerSchool log notation; or any records related to its referral of four sexual harassment complaints to DCF. The files that were produced to OCR were often incomplete or kept in a manner that did not allow OCR to assess the adequacy of the District's compliance with Title IX. OCR is also concerned that the District's reliance on incomplete records (both case files and PowerSchool log) may have prevented the previous and interim Title IX coordinators from effectively overseeing and ensuring the District's compliance with Title IX, including tracking and identifying repeat incidents and systemic concerns.

Finally, OCR is concerned that the District did not adequately capture all reported incidents of sexual harassment during the Review Period. As noted earlier, OCR identified one case of alleged student-involved sexual harassment and one "Pre-Title IX inquiry" into unspecified misconduct that were not included in the PowerSchool log, which the District represented as the comprehensive record of student-involved sexual harassment cases. Relatedly, it is unclear how the District defined a "pre-Title IX inquiry"; how many such inquiries existed; and whether they should have been reported and tracked as sexual harassment. OCR also is concerned whether the small number of reported allegations of sexual harassment involving student-respondents might reflect possible underreporting.

c. Response to Student-Involved Sexual Harassment Allegations

OCR has a number of concerns about how the District resolved student-involved sexual harassment allegations during the Review Period.

First, OCR is concerned that parties were not provided comparable information from the District. OCR's review of case files indicates that respondents' families routinely received more information than complainants' families, including but not limited to notices at the beginning and end of the resolution process.

OCR is further concerned about the sufficiency of the District's investigation of reports of student-involved sexual harassment. The District only produced four investigative reports for a total of 20 complaints, and OCR could therefore not determine with specificity how the District responded to the remaining 16 complaints. OCR particularly notes seven cases in which a respondent was disciplined with an out-of-school suspension but the District maintained no investigative reports. Despite the severity of the suspension sanction, these case files lacked any discussion of what evidence was reviewed to reach the determination, or the legal standards applied. As a result, OCR is concerned that these students may have been removed from school absent an equitable investigation.

Finally, OCR is concerned that the District may not have taken sufficient action to end the harassment, prevent its recurrence, and remedy its effects, such as considering and providing interim measures and remedial actions, where appropriate. The majority of case files reflect a primary focus on respondents (how an incident was addressed with them, how they responded to the allegations, and the disciplinary consequences issued) without equitable consideration of complainants, including appropriate interim and remedial measures. In addition, OCR identified

case files involving repeat respondents wherein the District’s initial response did not appear to include actions to prevent recurrence, such as making follow-up inquiries to see if there were any new incidents, issuing appropriate disciplinary consequences, or considering other measures to ensure the respondents understood their actions and how they affected others. Moreover, given that some allegations involved sexual harassment of more than one student occurring on school property, OCR is concerned that the District did not attempt to ascertain whether the harassing conduct affected other students and whether broader interim and remedial measures were necessary.

OCR generally does not have concerns about the promptness of the District’s response to reports of sexual harassment. However, while these responses were prompt, OCR is concerned that the District’s expeditious resolutions may be indicative of a failure to conduct equitable investigations, in light of the other issues OCR identified above.

### **Resolution Agreement**

OCR acknowledges the significant number of changes made by the District since the initiation of this compliance review, which include revised Title IX policies and procedures, updated reporting and tracking systems, new personnel, and more comprehensive training.

To resolve the violations and concerns OCR identified in this compliance review, the District entered into the attached Resolution Agreement, signed on October 16, 2023. The Resolution Agreement requires the District to take the following steps to remedy the violations and concerns OCR identified:

1. Revisions to the District’s Title IX grievance procedures to ensure compliance with the Title IX regulation and consistency across related policies and procedures.
2. Modifications to the District’s current recordkeeping procedures to comply with the Title IX regulation.
3. Reporting requirements related to the District’s response to all reports and formal complaints of sexual harassment between the 2021-2022 school year and the 2024-2025 school year.
4. A written description of the Title IX Coordinator(s)’s responsibilities to ensure those responsibilities are consistent with the Title IX regulation and that there is overall coordination of Title IX responsibilities.
5. Annual Title IX training for all District administrators and staff, including a dedicated training for its Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process.
6. Administration of a climate survey to District students in grades 6-12 to assess the presence and effect of sexual harassment, students’ understanding of how to report sexual harassment, and suggestions for improving the climate. The District will use the results of the survey to develop a plan for improving the climate at each school identified as having climate concerns.

**Conclusion**

OCR acknowledges the significant number of changes made by the District since the initiation of this compliance review, which include revised Title IX policies and procedures, updated reporting and tracking systems, new personnel, and more comprehensive training.

This concludes OCR's compliance review of the District. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Sincerely,

/s/

Ramzi Ajami  
Regional Director