

Policy 5110

Students

Nondiscrimination

The Waterford Board of Education complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability (including pregnancy), , gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”),, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited in the Waterford Public Schools. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic, and extracurricular activities, including athletics.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment and is therefore prohibited by this policy.

I. Definitions:

The following definitions apply for purposes of this policy:

1. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student’s actual or perceived membership in a Protected Class.

2. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which

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occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

The Board recognizes that certain student conduct or communications may be indicative of bias towards individuals who are members of a Protected Class, even when such conduct or communications do not rise to the level of discrimination and/or harassment. The Board directs the District administration to address any such biased conduct or communications in a manner consistent with the Board's legal obligations under state and federal law and Board policy, including free speech considerations, in order to promote a school environment that is welcoming and safe for all individuals.]

Sexual harassment is a form of harassment that is prohibited by law and Board Policy **5170** Policy Regarding Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment (Students). For more information regarding harassment based on sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, or gender identity or expression, or veteran status: Contact the District's Title IX Coordinator at:

A "veteran" is any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

Gender identity or expression" refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care

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or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is a sincerely held part of a person's core identity and not being asserted for an improper purpose.

3. Race:

For the purposes of this policy, The term “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

4. Domestic Violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

II. Reporting:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this

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policy should report such concern in writing to the Assistant Superintendent in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students,—which accompany this policy and are available online at [waterfordschools.org/board members/district policies/policies](http://waterfordschools.org/board%20members/district%20policies/policies) or upon request from the main office of any-District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

If a complaint involves allegations of discrimination or harassment based on pregnancy, or gender identity or expression, such complaints will be handled (in accordance with the procedures set forth in **Board Policy #5170, Students/Policy Regarding Title IX of the Educational Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment;** (Students). Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in **Board Policy #5160, Section 504/ADA**). (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and staff-to-student discrimination, harassment or retaliation that may be based on a Protected Class that District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to **the Assistant Superintendent**.

Students found to have engaged in acts of discrimination or harassment that create a hostile environment based on a Protected Class may be disciplined, and such discipline may include, when circumstances warrant, suspension, or expulsion.

District employees and administration will work with students and parents/guardians to prevent acts of discrimination, harassment, and retaliation.

The following person has been designated to handle inquiries regarding the Board's non-discrimination policies in addition to serving as the Board's Title IX Coordinator and the Board's Section 504/ADA Coordinator:

Assistant Superintendent of Schools
15 Rope Ferry Road
Waterford, CT 06385
860-444-5854

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Legal Reference:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*
Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*
Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. § 794, *et seq.*
Connecticut General Statutes § 10-15c and § 46a-81a, *et seq.* -
Discrimination on basis of sexual orientation
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined
Connecticut General Statutes § 46a-58. Deprivation of Rights

Public Act No. 22-82, “An Act Concerning Online Dating Operators,
the Creation of a Grant Program to Reduce Occurrences of Online
Abuse and the Provision of Domestic Violence Training and
Protections for Victims of Domestic Violence”

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WATERFORD PUBLIC SCHOOLS
Waterford, Connecticut