

Personnel - Certified/Non-Certified

Sexual Harassment

It is the policy of Thomaston Board of Education to maintain a learning and working environment that is free from sexual harassment. The School district prohibits any form of sexual harassment. This policy as well as all laws and regulations regarding sexual harassment are gender neutral.

It shall be a violation of this policy for any employee of the Thomaston Board of Education to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The Thomaston Board of Education will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any employee who sexually harasses a student or employee of the Thomaston Board of Education.

Definition

- A. Sexual harassment consists of unwelcome sexual advance, requests for sexual favors, sexually motivated physical conduct or other communication of a sexual nature when:
1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment environment.

Any sexual harassment as defined when perpetrated on any student or employee by an employee will be treated as sexual harassment under this policy.

- B. Sexual harassment may include but is not limited to:
1. verbal harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting or pinching;
 4. intentional brushing against a student's or an employee's body;

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Definition (continued)

5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
7. any unwelcome sexually motivated advance.

Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the Thomaston Board of Education, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate official as designated by this policy. The Board of Education encourages the reporting party or complainant to use the report form available from the Principal of each building or available from the Superintendent's office. The Thomaston Board of Education shall conspicuously post the name of the Superintendent of Schools including a mailing address and telephone number for reporting purposes.

- A. **In Each School Building:** The Director of Pupil Services is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the Director of Pupil Services must notify the Superintendent immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Superintendent. If the report was given verbally, the Director of Pupil Services shall reduce it to written form within 24 hours and forward it to the Superintendent. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the Director of Pupil Services, the complaint shall be filed directly with the Superintendent.
- B. **District-Wide:** The Board of Education hereby designates the Director of Pupil Services as the officer to receive reports or complaints of sexual harassment from an individual, employee or victim of sexual harassment and also from the building Principals as outlined above.
- C. If the complaint involves the Director of Pupil Services, the complaint shall be filed directly with the Superintendent.
- D. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignment.
- E. Use of formal reporting forms is not mandatory.

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Reporting Procedures (continued)

The Board of Education will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the Board of Education's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

Investigation and Recommendation

By authority of the Board of Education, the Superintendent, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by school officials or by a third party designated by the Superintendent. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools.

In determining whether alleged conduct constitutes sexual harassment, the Board of Education should consider the surrounding circumstances and the context in which the alleged incident occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the Board of Education may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The Superintendent shall make a report to the Board of Education upon completion of the investigation.

School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the Board of Education will take such action as appropriate based on the results of the investigation.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Superintendent. The report will document any disciplinary action taken as a result of the complaint.

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Sexual Harassment (continued)

Reprisal

The Board of Education will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testified, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

Non-Harassment

The Board of Education recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include initiating civil action or seeking redress under state criminal statutes and/or federal law.

Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual assault. In such situations, the Board of Education shall comply with its policy on Child Abuse and/or the criminal statutes covering sexual assault.

Discipline

Any action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Connecticut statutes and school district policies. The Board of Education will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

Education

The Superintendent of Schools shall inform all employees on an annual basis of the policy of the Board of Education regarding sexual harassment and establish such staff development activities as appropriate.

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Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S. §2000-e2(a).

Equal Employment Opportunity Commission Policy guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986).

29 CFR Para. 1604.11 (EEOC).

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998).

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998).

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998).

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

Policy adopted: April 11, 2016

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While an exhaustive list is not possible, the following constitute examples of specific behaviors that if unwelcome and of a sexual nature, could constitute sexual harassment:

1. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, assault, rape/attempted rape.
2. Continuing to express sexual interest after learning or being informed that the interest is unwelcome.
3. Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal; implying or withholding support for an appointment, promotion, transfer, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.
4. Coercive sexual behavior used to control influence, or affect the educational opportunities, grades, and/or learning environment of student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g. scholarships, financial aid, work study job).
5. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment.
6. Inappropriate attention of a sexual nature from peer(s), i.e. student to student, employee to employee.

Civil Rights Coordinator

Questions, complaints, and other matters concerning sexual harassment will normally be handled by the Civil Rights Coordinator who may be reached at 283-4796. The Civil Rights Coordinator is also responsible for compliance with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987, and the Americans with Disabilities Act.

Complaint Procedure

If an employee believes that he/she is being or has been subject to behavior that could constitute sexual harassment, that person should immediately inform the alleged harasser that his/her behavior is unwelcome, and unacceptable, offensive, in poor taste, unprofessional, and/or highly inappropriate and that such behavior must stop. It is recognized, however, that victims of sexual harassment are not always able to express their feelings to their harasser or to others. In all cases, the responsibility for ending the harassment rests with the harasser, not the victim.

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Complaint Procedure (continued)

As soon as an employee or student feels that he or she has been subjected to sexual harassment, he or she should make a written complaint to the Title IX Coordinator or his or her supervisor, and/or the school Principal. Normally, complaints should be made within thirty (30) days of the act of harassment. Complaint forms are available from the Title IX Coordinator, guidance office, and building Principal. The complaint should state the name of the complainant and the date of the complaint, the date of the alleged harassment, the name or names of the harasser or harassers, where such harassment occurred, and a statement of the circumstances constituting the alleged harassment.

Any employee or student who makes an oral complaint of harassment to personnel other than those listed above will be provided a copy of this regulation and a complaint form, and will be instructed to make a written complaint pursuant to the above procedure.

If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report is required by law.

All complaints are to be forwarded immediately to the Title IX Coordinator unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

If possible, within five (5) working days of receipt of a written complaint, the complainant shall be supplied with a copy of this Regulation and Procedure when necessary in order that he or she will be made fully aware of this or his/her rights and the Board's procedure to handling the complaint.

If possible, within five (5) working days of receipt of the complaint, the Title IX Coordinator shall commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of 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 confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

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Complaint Procedure (continued)

If the complainant is dissatisfied with the results of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to sexual harassment may include reassignment, transfer, or disciplinary action up to and including termination of employment.

The harasser and any other employees, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

It is understood that any sexual or romantic relationships between employees of the Board and students are highly inappropriate and unacceptable, whether or not they constitute sexual harassment as defined in this regulation.

Each year copies of the sexual harassment policy and procedures will be distributed to all employees, supervisors, and students.

Nothing in this procedure shall be deemed to override inconsistent by applicable provisions of any collective bargaining agreement between the Board and an employee bargaining unit.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S. §2000-e2(a).

Equal Employment Opportunity Commission Policy guidance (N-915.035)
on Current Issues of Sexual Harassment, Effective 10/15/88.

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SEXUAL HARASSMENT COMPLAINT FORM

Name of Complainant: _____

Date of Complaint: _____

Name of Harasser or Harassers: _____

Statement of Circumstances: _____

Received By: _____

Date Received: _____

SEXUAL HARASSMENT COMPLAINT - APPEAL FORM

Name and position of complainant: _____

Date of appeal: _____

Date of original complaint: _____

Have there been any prior appeals? _____

If yes, when? _____

To whom? _____

Description of decision being appealed: _____

Why is the decision being appealed? _____

Received By: _____

Date Received: _____