

Students

Harassment

The Board strives to provide a safe, positive learning environment in the schools. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity, creates an intimidating, threatening or abusive educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; and
3. otherwise adversely affects an individual's learning opportunities.

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual.

Students

Harassment (continued)

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's academic status;
2. submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual;
3. such conduct deprives a student of educational aid, benefits, services or treatment;
4. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Title IX Coordinator as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

Students

Harassment (continued)

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a complaint and the complaint procedure.
2. Inform the complainant that he/she may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

(cf. 4118.113/4218.113 - Harassment)

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

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

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

Students

Harassment

Legal References: (continued)

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

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

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted: February 12, 2018

THOMASTON PUBLIC SCHOOLS
Thomaston, Connecticut

Students

Harassment

Harassment Complaint Procedure

Step 1 – Reporting

A student or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Building Principal or a District employee.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Building Principal. If the Building Principal is the subject of the complaint, the student, third party or employee shall report the incident directly to the Title IX Coordinator.

The complainant or reporting employee is encouraged to use the report form available from the Building Principal, but oral reports are acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the Building Principal shall immediately notify the Title IX Coordinator, unless the Building Principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the incident. Other information and materials relevant to the investigation may also be evaluated.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or has been concluded.

Step 3 – Investigative Report

The Building Principal shall prepare a written report with fifteen (15) school days unless additional time is required to complete the investigation. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Copies of the report shall be provided to the complainant, the accused and the Title IX Coordinator.

Students

Harassment

Harassment Complaint Procedure (continued)

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policies and Administrative Regulations, applicable collective bargaining unit agreements and state and federal laws.

If it is concluded that a student has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Step 4 – Appeal Procedure

1. The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, may submit a written appeal to the Title IX Coordinator within fifteen (15) school days.
2. The Title IX Coordinator shall review the investigation and the investigative report and may also conduct an investigation.
3. The Title IX Coordinator shall prepare a written response to the appeal within fifteen (15) school days. Copies of the response shall be provided to the complainant, the accused and the Building Principal who conducted the initial investigation.