

**Personnel -- Certified/Non-Certified**

**Nondiscrimination**

The school district shall promote nondiscrimination and an environment free of harassment based on an individual's race, color, religion, age, marital status, national origin, sex, sexual orientation (including gender identity/expression), ancestry, disability or genetic information. The Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined by law.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member.

Inquiries regarding the school district's nondiscrimination policies should be directed to the Superintendent of Schools. 45 Westminster Rd., Canterbury, CT 06331 (860) 546-6950.

**Harassment**

Any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment.

No employee will be disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

**Association Membership**

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

**Grievances**

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any other way or suffer any professional disadvantage by reason of their opposition to any unfair labor practices or because of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations, and school district operations in general when not otherwise covered in employee organization agreements.

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Canterbury Public Schools shall have an opportunity to bring such concerns to the attention of the Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

**Level I:** The complainant shall discuss the alleged discriminatory act or practice with the individual closest to the daily decision-making level. This will normally be a Principal, teacher, Director of Pupil Services, Facilities Manager or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

**Level II:** The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with the Principal/Director of Personnel Services. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. The Board will be apprised by the Superintendent of any grievance reaching Level II.

**Level III:** Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

**Level IV:** The Board of Education and Superintendent shall proceed in accordance with appropriate laws or regulations.

**Discrimination Grievance Procedure**

For allegations pertaining to race, color or national origin discrimination, the complainant has the right at any time to file formal complaints regarding such matters with:

Boston Office of Civil Rights		Office of Civil Rights
U.S. Department of Education	OR	U.S. Department of Education
33 Arch Street, Suite 900		330 C Street, S.W.
Boston, MA <a href="tel:617-624-6000">02110-1491</a>		Washington, DC 20202

Legal Reference: Connecticut General Statutes

[10-153](#) Discrimination on account of marital status.

[46a-60](#) Discriminatory employment practices prohibited.

Federal Law

Title VII of the Civil Rights Act 1964

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

*Chalk v. The United States District Court of Central California.*

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

**Policy adopted: November 14, 2006**

**Revised: February 26, 2013**

R4118.112

4218.112

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### Sexual Harassment

#### Definitions

"Employee" shall mean all teaching, administrative and support personnel.

"Immediate supervisor" shall mean the person to whom the employee is directly responsible (e.g., Department Head, Building Principal)

"Sexual harassment" is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that an employee's submission to or rejection of unwelcome conduct will in any way influence an employment decision regarding that employee, or conduct of a sexual nature which substantially interferes with an employee's work performance, or creates an intimidating, hostile or offensive work environment, such as the display in the workplace of sexually suggestive objects or pictures.

#### Procedures

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws.

Consistent with federal and state law, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment.

#### Informal Complaints

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

If during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

#### Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, e.g., the district's Business Official, the Superintendent, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specific of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

#### Investigating a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

#### Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management, e.g., the Superintendent, or the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

#### Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

#### Complaint Records

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies should also be filed with the employment records of both the complainant and the alleged harasser.

#### **Investigation in the Absence of a Complaint**

The Board, in the absence of a victim's complaint, must ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

#### **Training**

Each year, or more frequently if the Board deems it appropriate, employees will receive training regarding sexual harassment and related matters pursuant to CGS 46a-54 (15). Such training may include a review of this policy and regulation, discussion, films or other activities.

Legal References: Connecticut General Statutes

[46a-54](#) (15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers. Recordkeeping.

*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)

**Regulation issued: November 14, 2006**

**SEXUAL HARASSMENT FORMAL COMPLAINT FORM**

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Date and place of incident: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom was it reported? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

Reasons for dissatisfaction: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4118.112 Appendix B

**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? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4118.113 Form 1

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

School building: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Alleged harassment was based on: (Check all that apply.)

Race       Color       National Origin

Gender       Disability       Religion

Ancestry       Age       Sexual Orientation

Name of person you believe violated the District's nondiscrimination policy:

\_\_\_\_\_

If the alleged discrimination was directed against another person, identify the other person:

\_\_\_\_\_

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

\_\_\_\_\_

This complaint is based on my honest belief that \_\_\_\_\_ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Complainant's Signature      Date

\_\_\_\_\_  
Received By      Date