



## PERSONNEL

4118.112

### Harassment

It is the policy of the Montville Board of Education to comply fully with all requirements of state and federal law. The Board strives to provide a safe, positive working climate for its employees. 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.

Accordingly, employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to fellow employees and students and to the public. 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 or creates an intimidating, threatening or abusive educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects and individual's employment 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; or
- repeated demeaning jokes, stories, or activities directed at the individual.

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

1. acceptance of such conduct is made either explicitly or implicitly a term or condition of an individual's continued employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; and

3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Although not an exhaustive list, the following are examples of conduct prohibited by this policy against sexual harassment: 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; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational 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 absence of the victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any misconduct, will ensure that an investigation is promptly commenced by appropriate individuals. On the other hand, the Board also recognizes false accusations of sexual harassment to have a serious effect on innocent individuals and such false accusations will also be subject to appropriate sanctions, including termination.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Director of Special Services as the District's Compliance Officer.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places in an effort to maintain an environment free of any form of harassment.

Legal reference: 42 U.S.C \* 200e "Title VII"; "Title IX"; Civil Rights Act 1964 29 C.F.R. \* 1604.11 EEOC Guidelines on Sexual Harassment Connecticut General Statutes \* 46a-60 (a) (8)

Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000e2(a)

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, 1977) and 66 Fed. Reg. 5512 (January 19, 2001)

Connecticut General Statutes: 46a-60 Discriminatory employment practices prohibited.

Constitution of the State of Connecticut, Article I, Section 20

*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)

Policy Adopted: 11/17/92

Revised: 6/16/09

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## ADMINISTRATIVE REGULATIONS

## Harassment

## Harassment Complaint-Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional or highly inappropriate.

If the offensive behavior is repeated following a request to the harasser to cease, the employee shall have the option of pursuing either an informal complaint procedure designed to educate the harasser and to eliminate the problem, or a formal procedure.

## Step 1 – Reporting

Any individual who believes that he or she has been the subject of harassment-are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made directly to the District's Compliance Officer. The complainant is encouraged to use the report form available from the Building Principal, but oral reports are acceptable. Any employee who makes an informal oral complaint of harassment to his/her supervisor, Building Principal, Title IX Building Coordinator or District Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the formal procedure should the informal investigation and intervention, if necessary, prove unsuccessful in eliminating the objectionable behavior.

The written complaint will include:

- a. Name of the complainant
- b. Date of the complaint
- c. Date(s) of the alleged harassment
- d. Name(s) of the harasser(s)
- e. Location where such harassment occurred
- f. Names of any witness(es) to the harassment
- g. Detailed statement of the circumstances constituting the alleged harassment.

## Step 2 – Investigation

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 employee or third party of the right to file a complaint and the complaint procedure.

2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

Upon receiving the written complaint of unlawful harassment, the principal or District Compliance Officer will promptly commence an investigation into the complaint, 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 investigation will be discrete and will maintain confidentiality insofar as possible while still conducting a thorough and effective investigation.

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 administrator will complete a written report summarizing the results of the investigation and the proposed disposition of the matter and provide copies to the complainant, the alleged harasser, and, as appropriate, and, as appropriate, to all other directly concerned. If an investigation reveals that there is reasonable cause to believe that harassment has occurred, the District shall take prompt, corrective action to ensure that such conduct ceases immediately.

### Step 4 – Sanctions

Any employee engaging in an action or conduct found to constitute harassment will be subject to appropriate disciplinary action up to and including termination of employment.

Any student engaging in an action or conduct that is found to constitute harassment will be subject to appropriate disciplinary action up to and including expulsion.

The Montville Board of Education will also discipline, up to including termination of employment or expulsion of a student, any individual who retaliates against any person who reports alleged harassment or retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment complaint.

### Step 5 – Appeal Procedure

Complainants who are dissatisfied with the findings of the investigation and the recommended disposition of the complaint may file a written appeal to the Superintendent of Schools within ten (10) days. If that individual is the subject of the complaint, the complainant may file an appeal to the chairperson of the Board of Education, who will designate an individual to handle the appeal.

The Superintendent of Schools, or District Compliance Officer, will review the investigator's written report, the information collected, and 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, or Compliance Officer, shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the initial investigator.

Board of Education policy on Harassment shall be distributed to all employees annually in September by each building principal.