

## **PERSONNEL**

### **SEXUAL, RACIAL AND OTHER UNLAWFUL HARASSMENT**

It is the policy of the Regional School District # 14 Board of Education to maintain a working environment that is free from sexual, racial and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, or volunteer, based on race, color, sex, religion, national origin, sexual orientation, gender identity or expression, disability, marital status, age, ancestry, generic information or any other basis prohibited by law

This policy prohibits sexual, racial and other unlawful harassment by employees, teachers, administrators, Board members, students, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

#### **Definition of Unlawful Harassment**

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

#### **Definition of Sexual Harassment**

The term "sexual harassment" warrants additional explanation. Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual;
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment.

Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or

verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a social setting may not be appropriate in the workplace. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

### **Examples of Sexual Harassment**

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Suggestive or obscene letters, notes, e-mail messages, voice mail messages, 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, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- 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 evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- Discussion of one's own sexual activities or inquiries into others' sexual experiences;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and
- Inappropriate attention of a sexual nature.

### **Relationships at the Workplace**

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

### **Examples of Other Unlawful Harassment**

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression marital status, ancestry, or genetic information is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, sex, age, disability, religion, sexual orientation, gender

identity or expression marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;

- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law.

### **Complaint Procedure**

All members of the school community are responsible for helping to assure that sexual, racial and other unlawful harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the Building principal and/or Title IX Coordinator.

The Title IX Coordinator is:

**Director of Special Services  
Regional School District #14  
5 Minortown Road  
Woodbury, CT 06798  
203-263-0416**

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

### **Retaliation**

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

### **Responsibilities of the Title IX Coordinator**

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;

2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all students and employees annually;
5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year;
6. Ensuring students and employees are aware of who is serving as Title IX Coordinator for the District and how he or she may be reached.
7. Keeping the Superintendent of Schools apprised of the status of any complaint or investigation of sexual, racial or other unlawful harassment.

### **Sexual Harassment Training for Administrators and Supervisory Employees**

Administrators and others with supervisory responsibilities must attend a school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

### **Alternative Complaint Procedures**

The federal and state agencies that investigate complaints of unlawful harassment are the Equal Employment Opportunity Commission (EEOC) and the Connecticut Commission of Human Rights and Opportunities (CCHRO), respectively. Any employee who feels it necessary for his or her complaint to be investigated by these agencies must contact the CCHRO and file a complaint. The CCHRO is located at 21 Grand Street, Hartford, CT 06106 (860-541-5737). The EEOC and CCHRO apply a statute of limitation of one hundred and eighty (180) days to such complaints.

#### Legal References:

##### Connecticut General Statutes

- 10-153 (Discrimination Based on Marital Status)
- 46a-60(a) (Connecticut Fair Employment Practices Act)
- 46a-81c (Sexual Orientation Discrimination- Employment)
- R.S.C.A. 46a-54-200 through 46a-54-207

##### United States Code

- 20 U.S.C. 1681 (Title IX of the Education Amendments of 1972)
- 29 U.S.C. 623 (Age Discrimination in Employment Act)
- 29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)

38 U.S.C. 4301 (Uniformed Services Employment and Re-employment Rights Act)  
42 U.S.C. 2000d and 2000e (Titles VI and VII of the Civil Rights Act of 1964)  
42 U.S.C. 12101 (Americans with Disabilities Act)  
29 C.F.R. 1604.11 (EEOC Guidelines on Sexual Harassment)