

Personnel

**Sexual and Other Unlawful Harassment – Personnel**

It is the policy of the Regional School District # 10 Board of Education to maintain a working environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, volunteer, or visitor based on race, color, sex, religion, creed, national origin, sexual orientation, gender identity or expression, physical or mental disability, marital status, age, ancestry, or any other basis prohibited by local, state and federal law. All forms of harassment are prohibited whether verbal, physical or visual, and regardless of the medium through which it occurs. Such harassment violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Connecticut Fair Employment Practices Act.

This policy prohibits sexual 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 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;
- the conduct has the purpose or effect of having a negative impact upon the individual’s work performance, or of creating an intimidating, hostile or offensive work environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and/or working conditions.

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.

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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 behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- 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;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and
- Inappropriate attention of a sexual nature.

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Other Prohibited Conduct

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's color, sex, religion, creed, national origin, sexual orientation, gender identity or expression, physical or mental disability, marital status, age, ancestry is also prohibited by this policy.

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.

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.

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.

Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated 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.

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Relationships at the Workplace

Sexual or romantic relationships between employees and students are illegal in Connecticut 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.

Legal References:

42 U.C.C. §2000(e) (Title VII)

29 C.F.R. §1604.11 (EEOC Guidelines on Sexual Harassment)

20 U.S.C. §1681-1688 (Title IX)

Connecticut General Statutes §46a-60(a)

Conn. Agencies Regs. §§ 46a-54-200 through 46a-54-207

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