

Personnel

Sexual and Other Unlawful Harassment – Personnel

Complaint Procedure

Employees who are victims of sexual or other unlawful harassment as defined by Board Policy No. 4218.10 are encouraged to promptly report such incidents. Timely reporting of incidents of unlawful harassment facilitates the investigation and resolution of such complaints.

Any employee who feels that he/she has been harassed on the basis of sex, sexual orientation, gender identity or expression, race, color, religion, creed, national origin, physical or mental disability, marital status, age, ancestry should bring his/her complaint to the Building Principal, Assistant Principal or Title IX Coordinator. The Building Principal or Assistant Principal will immediately inform the Title IX Coordinator upon receipt of any such complaint, or the Superintendent if the Title IX Coordinator is the subject of the complaint.

The administrator should urge the complainant to state his or her complaint in writing and sign the complaint. The administrator should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the administrator should ask the complainant to review the complaint for accuracy and have the complainant sign. If the complainant refuses to sign, the administrator should note so on the form. The complaint should include at a minimum, the name of the complainant, date of the complaint, date of the alleged harassment, name or names of the alleged harasser(s) and a detailed statement of the circumstances leading to the complaint.

All complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting sexual or other unlawful harassment may result in disciplinary action against the retaliator, up to and including discharge.

The school district will provide staff development for new district administrators and other supervisors and will publish its policy and complaint procedure to employees in an effort to maintain an environment free of sexual and other unlawful harassment.

Responsibilities of Personnel

All Employees. Any employee, staff member or administrator who feels that he or she is a victim of sexual or other unlawful harassment is strongly urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. If the conduct does not stop or the victim is uncomfortable confronting the offender, the victim should immediately report the complaint to the Building Principal, Assistant Principal or Title IX Coordinator unless the Title IX Coordinator is the subject of the complaint in which case the complaint should be reported to the Superintendent. It

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is preferred that the complaint be committed to writing as soon as practical. The school system has forms for this purpose that may be used by the complainant if he or she chooses. Any employee, staff member or administrator who has not been victimized but is aware of a possible violation of the Board's policy on sexual and other unlawful harassment should likewise report such information verbally or in writing. Administrators and supervisors who fail to report may be subject to discipline.

Administrators. Any complaint or other communication from an applicant for employment, an employee, a visitor, a government agency, or an attorney concerning sexual and/or other harassment should be immediately shared with the Title IX Coordinator, who has final responsibility for the proper resolution of all reports and complaints. If notification to the Title IX Coordinator is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or his or her designee.

Upon any notice from an employee that illegal harassment may be occurring, the administrator should inform the employee of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. The administrator should encourage the employee to commit the complaint to writing and provide the employee a form for this purpose. The administrator may assist the employee in writing the complaint. The administrator should be aware that there is no requirement that the complaint be stated in writing. The administrator should advise the employee that confidentiality will be maintained to the extent possible and should advise participants in the investigation not to discuss the subject with others in the workplace. The administrator cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The administrator should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

Administrators 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.

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Title IX Coordinator. The Title IX Coordinator (or Superintendent or his/her designee) is responsible for designating the investigator of any complaint, which may be him or herself, a staff member, another administrator or an outside investigator, and providing guidance as necessary. The advice of legal counsel should be sought as necessary. (See responsibilities of Investigators below).

The Title IX Coordinator is also responsible for ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment, including but not limited to Sections 46a-60 (a)(8) and 46a-54 of the General Statutes of Connecticut, and Sections 46a-54-200 through 46a-54-207 of the Regulations of Connecticut State Agencies. The Title IX Coordinator reviews the Board's policy on sexual and unlawful harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.

The definition of "sexual harassment" as well as the process by which any employee may make a complaint of sexual or other illegal harassment is part of the orientation for all new employees. The Title IX Coordinator ensures that the Board's policy and administrative regulations are distributed to all employees at the time of hire, with each update, and periodically thereafter. He or she is also responsible for conspicuously posting the policy in places of employee access and ensuring employees are aware of who is serving as Title IX Coordinator for the Board and how he or she may be reached.

Investigators. After an impartial and prompt investigation of the complaint, the investigator should ascertain, with the proper assistance, whether the alleged conduct occurred, and whether such conduct constitutes a violation of the Board's policy. If there is a violation, the investigator should recommend the action necessary to eradicate the harassment, to discourage like conduct in the future, and to communicate that such conduct is inappropriate and a violation of Board policy. In such case, the investigator should consider appropriate discipline of the offender, which may include, but is not limited to, a verbal or written reprimand, reassignment, transfer, suspension or termination.

After assessing the findings and recommending corrective action in regard to a sexual or other harassment investigation, the investigator, with the assistance of the Title IX Coordinator, should summarize in writing the findings, conclusions and recommendations. Depending on the nature of the complaint, the report and supporting documentation may be forwarded to the Superintendent (or designee) for a second review in which case the initial report should clearly be labeled "Preliminary". If a second internal review is warranted but is impractical or implausible in light of the circumstances or persons involved, the report may be forwarded to outside legal counsel or an outside investigator. The second reviewer should review the investigative file, conduct further

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investigation if needed, and prepare a revised summary report. The findings and corrective actions should be communicated to the complainant and the alleged offender.

All investigators should carefully document all aspects of their review, investigation, and subsequent communications. The brief summary report should not include individual's names, except the names of the complainant and the alleged harasser. Documentation of the investigation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file.

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