

Sexual and other Unlawful Harassment of Students

Complaint Procedure

Students who are victims of sexual or other unlawful harassment as defined by Board Policy No. 5150 are encouraged to promptly report such incidents. Timely reporting of incidents of unlawful harassment facilitates the investigation and resolution of such complaints.

Any student who feels that he/she has been harassed in violation of board policy should immediately bring his or her complaint to the attention any of the following personnel: Guidance Counselor, Assistant Principal, Building Principal, or Title IX Coordinator. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.

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 of charges of harassment may result in disciplinary action against the retaliator.

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

Responsibilities of Students and Personnel

All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a Guidance Counselor, Assistant Principal, Building Principal or Title IX Coordinator. Any student who is not the target of harassment but is aware of it occurring should likewise report such information.

All Employees. Any employee who observes or otherwise becomes aware of any incident of sexual, racial or other unlawful harassment of a student is required to immediately report such incident to the district's Title IX Coordinator.

Guidance Counselors and Administrators. Any complaint or other communication from a student or other individual, a government agency, or an attorney concerning 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 implausible 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.

Sexual and other Unlawful Harassment of Students

Title IX Coordinator. The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

Reporting a Complaint of Unlawful Harassment

Any student who feels that he/she has been harassed on the basis of race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression, or alienage in violation of Board Policy 5150 should immediately bring his/her complaint to the attention any of the following school officials: Guidance Counselor, Assistant Principal, Building Principal, or district's Title IX Coordinator.

The district's Title IX Coordinator may be contacted at:

Director of Student Learning
860-673-2538
Regional School District No. 10
24 Lyon Road, Burlington, CT 06013

Upon any notice from a student or other individual that unlawful harassment of a student may be occurring, the school official should inform the student 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.

If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;

Sexual and other Unlawful Harassment of Students

6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

The school official should advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and actions concerning student complaints, including any student efforts or 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.

The Building Principal, Assistant Principal or Guidance Counselor shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

Investigation of Complaints of Unlawful Harassment

Investigator: The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints unlawful harassment in a prompt, thorough and impartial manner. The advice of legal counsel should be sought as necessary.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigation should not be delayed due to a pending criminal investigation by law enforcement authorities. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of

Sexual and other Unlawful Harassment of Students

the alleged harasser(s) shall be preserved and both parties shall have an equal opportunity to present evidence.. The investigator shall keep the parties apprised of the status of the investigation on a periodic basis.

Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In making factual findings, the investigator shall use a preponderance of the evidence standard (i.e., it is more likely than not that the alleged misconduct occurred). In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless circumstances require a longer period of investigation, the written report shall be completed within 40 school days of receipt of the complaint. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The outcome of the investigation will be communicated in writing to the parties involved in a manner consistent with state and federal laws regarding data and records privacy. The notification will include a statement of the parties' right to appeal the decision by requesting a review within 10 school days of receiving the results.

Request for Review: If any party of the complaint is unsatisfied with the results of the investigation, he/she may request a review within 10 school days of the notification of the results of the investigation. The Board of Education authorizes the Superintendent of Schools to conduct the review. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The parties may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the review process shall be completed within 20 school days of the request for the review. The Superintendent shall promptly notify the parties in writing of the results of his/her review.

Sexual and other Unlawful Harassment of Students

Corrective Action: If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

Alternative Complaint Procedures

The federal and state agencies that investigate complaints of unlawful harassment of students are the Office for Civil Rights, U.S. Department of Education (OCR) and the Connecticut Commission of Human Rights and Opportunities (CHRO). Any student who wants his or her complaint to be investigated by either of these agencies may do so by contacting the following: CHRO is located at 21 Grand Street, Hartford, CT 06106, (860)-541-5737; Office for Civil Rights-Boston, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (617)289-0111. The OCR and CHRO apply a statute of limitations of one hundred and eighty (180) days to such complaints.

Regulations Adopted: May 11, 2009
Regulation Revised: June 13, 2011
Regulation Revised: November 7, 2011