

PERSONNEL CERTIFIED/NON-CERTIFIED

Employee Sex Discrimination and Sexual Harassment

It is the policy of the Board of Education to create and maintain a working environment that is free from sexual harassment and discrimination on the basis of sex. The District strictly prohibits all forms of sexual harassment in the workplace, including verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities. Sexual harassment can occur between members of the opposite sex, or between members of the same sex.

The District encourages all victims of sexual harassment and persons with knowledge of sexual harassment to report the harassment immediately to the Title IX Coordinator, the Superintendent or his/her designee in accordance with the district's sex discrimination and sexual harassment complaint procedure. All employees have the right to be free from retaliation of any kind. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. The District will promptly investigate all complaints of sexual harassment, and will take prompt corrective action to end the harassment. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal References: United States Constitution, Article XIV
Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on
Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 20 USCS § 1681, et seq.
Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Connecticut General Statutes § 46a-60 Discriminatory employment practices
prohibited.
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207
Constitution of the State of Connecticut, Article I, Section 20.

Policy Adopted: March 24, 1999

Policy Revised: September 12, 2012

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Discrimination

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other physical, verbal or non-verbal conduct or communication of a sexual nature, and any other gender-based harassment, in the workplace, when:

1. Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of the conduct is used as the basis of employment decisions affecting an individual;
3. The conduct has the purpose or effect of having a negative impact upon an individual's work performance, or of creating an intimidating, hostile or offensive work environment;

While an exhaustive list is not possible, the following are examples of specific behaviors that could constitute sexual harassment:

1. Suggestive or obscene letters, notes, 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;
2. Continuing to express sexual interest or an interest in an intimate relationship after learning of or being informed that the interest is unwelcome;
3. 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;

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4. Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully based on an individual's rejection of sexual conduct;
5. The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment;
6. Inappropriate attention of a sexual nature;
7. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual or romantic relationships between Board employees and students are unacceptable whether or not they constitute sexual harassment as defined in this regulation. Further, any conduct of an employee toward a student which could constitute sexual harassment of the student by the employee will be a violation of Board policy and this regulation and may result in civil and/or criminal penalties.

Complaint Procedures

It is the policy of the District to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex. Victims of sexual harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation or reprisal. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Any employee who feels he or she has been sexually harassed or otherwise discriminated against on the basis of sex should file a complaint with the Title IX Coordinator. 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. Complaint forms may be obtained from the office of the Title IX Coordinator, the Superintendent of Schools, or the building principal. In addition, written complaints may be brought to the attention of a building principal, the Superintendent and/or to the Title IX Coordinator.

The written complaint should state the name of the complainant and the date of the complaint, the date(s) of the alleged harassment, the name or names of the alleged harasser or harassers, the name or names of any witnesses, and a statement of the circumstances in which the alleged harassment occurred. Upon the filing of a written complaint, the complainant shall be provided with a copy of this regulation.

The Title IX Coordinator shall schedule a meeting promptly with the complainant to discuss the complaint. Whenever possible, the District will make an effort to respect the privacy and confidentiality of all parties and witnesses to complaints brought under this policy. However, because an individual's need for confidentiality must be balanced with the District's obligation

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to investigate complaints, the District retains the right to disclose the identity of parties and witnesses to the extent necessary. Whenever a sexual harassment complaint is made, the Title IX Coordinator will investigate the complaint, or refer the complaint for investigation, promptly, even if the employee does not request any action or withdraws the complaint. Upon completion of an investigation the Title IX Coordinator shall render a written decision to the complainant as to the disposition of the complaint.

If the decision results in a determination that sexual harassment has occurred, corrective action shall be taken. Appropriate action may include re-assignment, transfer, and/or disciplinary action up to and including termination of employment of the harasser. No adverse action will be taken against an employee for filing a complaint of sexual harassment. Reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will 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 procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the West Central Region Office of the Connecticut Commission on Human Rights and Opportunities, Rowland State Government Center, 55 West Main Street, Suite 210, Waterbury, Connecticut 06702 (TELEPHONE NUMBER 203-805-6530), and/or the Equal Employment Opportunity Commission, Boston Area Office, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Title IX Coordinator

The Title IX Coordinator for the Regional School District 13 Board of Education is: the Pupil Personnel Director, whose office is located at the Superintendent's Office, 135A Pickett Lane and whose telephone number is 860-349-7208.

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