

# Personnel

## Certified Personnel

### Sexual Harassment

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**Policy Statement:** The Board of Education believes that each employee should be able to work in an atmosphere free of harassment. The Board therefore prohibits all discriminatory intimidation on the basis of sex or on the basis of any other status protected by law, including but not limited to race, color, age, religion, sexual orientation, national origin, marital status, disability, or veteran status. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as supervisors, students, or others within the school environment. Therefore, this policy seeks to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves will not be tolerated.

### Definitions:

*Employee:* all teaching, administrative and support personnel.

*Immediate supervisor:* the person to whom the employee is directly responsible (e.g., department head, principal).

*Sexual harassment:* any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment *when:*

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include:

1. Offering employment benefits or giving preferential treatment in exchange for sexual favors;
2. Retaliation against or getting someone back who turns down sexual advances;
3. Visual Conduct: leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, calendars, magazines, or posters;
4. Verbal Conduct: whistling and catcalls making or using derogatory or sexual comments, epithets, slurs, or jokes. Referring to another person as "doll," "babe," "honey," or a name of this type;

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5. Verbal sexual advances or propositions, including repeated and unwanted requests for a date;
6. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual;
7. Obscene or sexually orientated computer or phone mail messages, suggestive or obscene letters, notes or invitations;
8. Physical conduct such as touching, as unwanted neck and shoulder message, assault, impeding or blocking movements, and
9. Repeated and unwelcome comments about one's physical appearance or attire.

### **Procedures:**

Employees who believe they have been subjected to sexual harassment are to report the incident to the building principal. Should this individual be the alleged harasser, sexual harassment may be reported to the district's Title IX coordinator:

Director of Pupil Personnel Services  
30 Park Street, Vernon, CT 06066  
860-870-6000 Ext. 133

Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

Consistent with federal and state law, and all applicable provisions in the district's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation or remedial action concerning allegations of sexual harassment:

### **Informal Complaints:**

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

Should the complainant be dissatisfied with the resolution, he/she may file a formal written complaint.

The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

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### **Formal Complaints:**

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, or the Superintendent for appropriate action. Formal complaints shall include as much detail about the alleged incident of sexual harassment as possible, including but not limited to the date and place of incident, description of the harassing conduct, the names of all witnesses, and any other relevant information, such as any discussions or action taken in an attempt to resolve the matter.

### **Complaint Investigations:**

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. The investigation of any report of sexual harassment will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and subject to all applicable laws and any relevant provisions in the district's collective bargaining agreements.

### **Remedial Action:**

If it is determined that inappropriate conduct has been committed, the Board will take such action as is appropriate under the circumstances to eliminate the offending conduct and, where appropriate, impose discipline. Such action may include discipline up to and including dismissal from employment, as deemed appropriate under the circumstances consistent with applicable law and collective bargaining agreements.

When the harasser is a student, such action may include discipline up to and including expulsion and/or referral to the police or other appropriate agency.

Any employee who reports unlawful harassment or cooperates in the investigation of a complaint will be protected from retaliatory action.

### **Complaint Records:**

The results of the investigation, including a good faith determination of whether or not harassment occurred as well as any disciplinary action to be taken, shall be maintained by the school district in a final report. The Complainant and the alleged harasser will be informed in writing of whether harassment has been found.

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### **Investigation in the Absence of a Complaint:**

Upon learning of, or having reason to suspect, the occurrence of any sexual harassment, the board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals.

### **Training:**

Each year, or more frequently if the Board deems it appropriate, supervisory personnel will receive training regarding sexual harassment and related matters. Such training may include a review of this policy and regulation, discussion, films or other activities.

#### Legal References:

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, 34 C.F.R. § 106.

*Meritor Savings Bank FSB v. Finson*, 477 U.S. 57 (1986)

29 C.F.R. ¶ 1604.11 (Equal Employment Opportunity Commission regulations)

Connecticut General Statutes §§ 46a-54, 46a-60

Constitution of the State of Connecticut, Article I, § 20