

Personnel – Certified/Non-Certified

Rights, Responsibilities and Duties

All current employees of the school system are subject to the policies of the Board, applicable laws, and current employee agreements.

Job descriptions shall be established for each type of work to be performed by instructional employees.

Job descriptions shall include the following:

I. General

- a. Job Title
- b. Job Description
- c. Job Qualifications

II. Essential/Non-Essential Job Functions

III. Other Related Factors

- a. Physical Demands
- b. Working Conditions
- c. Vocational Preparation
- d. Educational Preparation
- e. Temperament Requirements
- f. Sensory Abilities

Personnel - Certified/Non-Certified

Nondiscrimination

The conditions or privileges of employment in the school system, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, marital status, national origin, gender, sexual orientation, gender identity or expression, ancestry, present or past history of mental disorder, intellectual disability, pregnancy or physical disability. The Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined by law.

In compliance with regulations of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the Americans With Disabilities Act, the Regional School District No. 17 Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibit discriminatory practices in hiring and employment. It is the policy of the Regional School District No. 17 Board of Education to prohibit acts of discrimination in all matters dealing with employees and applicants for positions with the school district and to further the principle of equal employment opportunity in all actions affecting employees and applicants. As an equal opportunity employer, the Regional School District No. 17 Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender, sexual orientation, gender identity or expression, past or present history of mental disorder, intellectual disability, learning disability, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations, physical disability (including blindness), or other disability (except in the case of a bona fide occupational qualification or need.)

Equal Education Opportunity

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with disabilities shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the Regional School District No. 17 Board of Education.

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Nondiscrimination (continued)

The Civil Rights Coordinator for the Regional School District No. 17 Board of Education has the responsibility to monitor the compliance of this policy. The Superintendent shall designate a Civil Rights Coordinator. The Civil Rights Coordinator can be contacted as set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

Haddam-Killingworth High School
57 Little City Road
Higganum, CT 06441-0568
(860) 345-4534
civilrightscordinator@RSD17.org

Sexual Harassment

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any **unwelcome** sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

It is the policy of the Regional School District No. 17 Board of Education that sexual harassment on the part of any employee is prohibited.

Sexual harassment is defined as conduct involving any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
3. 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.

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Nondiscrimination (continued)

Sexual Harassment (continued)

Employees who have complaints based on sexual harassment may seek redress by referring such complaints to the Superintendent of Schools. The Superintendent or his/her designee shall take appropriate action to investigate and act on complaints of conduct in violation of this policy.

Since sexual harassment is a violation of the state and federal discrimination laws, an employee is free to file a complaint directly with the Commission on Human Rights and Opportunities, and cannot be forced to seek an internal resolution.

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Regional School District No. 17 Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officer or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Coordinator building or department administrator. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated. Building or department administrator shall notify the Superintendent within 48 hours of the discrimination grievance.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with the Civil Rights Coordinator. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

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Nondiscrimination (continued)

Discrimination Grievance Procedure (continued)

Level III: Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

Level IV: The Board of Education, Superintendent and the Civil Rights Coordinator shall proceed in accordance with appropriate laws or regulations.

Legal Reference: Connecticut General Statutes
10-153 Discrimination on account of marital status
10-153a Rights concerning professional organizations and regulations
10-209 Records not be public
46a-60 Discriminatory employment practices prohibited.
P.A. 11-55 An Act Concerning Discrimination
Federal Law
Title VII of the Civil Rights Act of 1964
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
American Disability Act of 1989, as amended by the ADA Amendments Act of 2008
Chalk v. The United States District Court of Central California.
Title IX of the Education Amendments of 1972.
Civil Rights Act of 1987.

Policy adopted: November 15, 2011

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Discrimination Grievance Form

Any employee or employment applicant who feels that he/she has been discriminated against on the basis of race, color, age, national origin, gender, gender identity or expression, or disability, may discuss and/or file a grievance with Mindy Otis of the Regional School District No. 17 Public Schools. Reporting should take place within 40 calendar days of the alleged discrimination.

Name of Presenter/Complainant: _____

Employee _____ Employment Applicant _____

Home address _____

Phone () _____ Date of Claim _____ Date of Incident _____

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).
2. Please attach any additional information/documentation as necessary.

Signature of Presenter: _____

Signature of Administrator receiving report: _____

Date Received: _____

*Forms are available from the Civil Rights Coordinator,
Administrators and Guidance Offices.*

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Harassment

The Board strives to provide a safe, positive working climate for its employees. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of, but not be limited to, verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, gender, gender identity or expression, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities;

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual;

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Harassment (continued)

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued employment;
2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Superintendent shall designate a District Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

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Harassment (continued)

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

The Superintendent shall be responsible for maintaining regulation procedures regarding this policy.

(cf. 5145.52 – Harassment)

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1977) and 66 Fed. Reg. 5512 (January 19, 2001)

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

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

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Harassment

Legal References: Connecticut General Statutes (continued)

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted: November 15, 2011

REGIONAL SCHOOL DISTRICT NO. 17
Higganum, Connecticut

Personnel -- Certified/Non-Certified

Harassment

Harassment Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior **is repeated** following a request to the harasser that it cease, the employee shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, or the Superintendent or Compliance Officer. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Superintendent or the Superintendent's designee in the absence of an Assistant Superintendent unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Board Chair.

Upon receiving a formal complaint, the building level administrator in concert with the Superintendent or the Superintendent's designee or Compliance Officer will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

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Harassment

Harassment Complaint Procedure (continued)

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____
Home Address: _____
Home Phone: _____
School building: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (Check all that apply.)

- | | | |
|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Disability | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Age | <input type="checkbox"/> Sexual Orientation |

Name of person you believe violated the District's nondiscrimination policy:

If the alleged discrimination was directed against another person, identify the other person:

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date