

## **Students**

### **Harassment**

The Board strives to provide a safe, positive learning environment in the schools. Therefore, harassment, in any form, will not be tolerated in this district. This policy applies to all students on school grounds 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.

Students 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 the purpose of this policy harassment consist of verbal, graphic or physical conduct related to a person's race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability (including but not limited to) intellectual disability, past or present his history of mental disorder, physical disability or learning disability, genetic information, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws.

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 a student's work performance;  
or
3. otherwise adversely affects a student's learning 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; and
- Repeated demeaning jokes, stories, or activities directed at the individual.

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 complainant and/or the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

## Students

### Harassment (continued)

The district shall annually inform students that unlawful harassment of any kind will not be tolerated with the school system.

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. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
2. submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's academic performance or creating an intimidating, hostile or offensive academic environment.

Sexual harassment, as defined above, may include but is not limited to the following:

1. verbal harassment or abuse;
2. pressure for sexual activity;
3. repeated remarks to a person with sexual or demeaning implications;
4. unwelcome touching; or

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 a student's ability to work or creates an intimidating, hostile, or offensive learning environment.

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

In order to maintain a learning environment that discourages and prohibits unlawful harassment, the Board designates the Director of Pupil Services as the District's 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.

## Students

### Harassment (continued)

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.

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 student 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; and
3. refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.

### Role of the District Title IX Compliance Officer

The District Title IX Compliance Officer shall immediately institute an inquiry into the allegations which shall include, but not limited, to:

- A. Advising the Superintendent of Schools that a complaint of alleged sexual harassment has been filed.
- B. Interviewing the complaining adult or student in a confidential setting. In the case of a student, the parent/guardian shall be notified (unless the parent/guardian is the subject of the allegations) and invited to be present for the interview.
- C. Conducting interviews with all parties named as perpetrators of and witnesses to the alleged sexual harassment.
- D. Filing a report of findings with the Superintendent of Schools. If the findings confirm that sexual harassment did exist, and that it was to a degree that may constitute sexual abuse of a minor, the District Title IX Compliance Officer shall also file a report with the State of Connecticut Department of Children and Families (DCF).

The inquiry shall be conducted in a timely manner. If the findings of the District Title IX Compliance Officer reject the allegations of sexual harassment, the accused and charging parties shall be so advised in writing by the Compliance Officer. Any and all material in the matter shall be removed from the file of the exonerated party, unless the exonerated party requests that a certification of the finding of insufficient evidence be placed in his/her file.

## Students

### Harassment (continued)

#### General Policy Administration and Monitoring

The District Title IX Compliance Officer shall maintain a comprehensive record of all filings of sexual harassment and their disposition. An annual report shall be made to the Superintendent of Schools at the end of each school year.

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)

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

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

Connecticut General Statutes

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: March 9, 2004  
Revised June 9, 2015

EAST HADDAM PUBLIC SCHOOLS  
Moodus, Connecticut

## **Students**

### **Harassment**

#### **Harassment Complaint Procedure**

➤ *Step 1 – Reporting*

A student or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the building principal, compliance officer, guidance counselor, or staff member. If the building principal is the subject of the complaint, the incident shall be reported directly to the district's Compliance Officer.

The complainant is encouraged to use the report form available from the building principal, but oral reports are acceptable.

➤ *Step 2 – Investigation*

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer or the Superintendent who shall then authorize the building Principal to investigate the complaint, unless the building principal is the subject of the complaint or is unable to conduct the investigation.

This investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the incident. Other information and materials relevant to the investigation may also be evaluated.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or has been concluded.

➤ *Step 3 – Investigative Report*

The District shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur if the investigation results in a finding that the complaint is factual and is a violation of Board policy.

Disciplinary actions shall be consistent with Board policies and district procedures.

Students knowingly making a false complaint under this policy shall be subject to disciplinary action including suspension/expulsion.

## **Students**

### **Harassment** (continued)

#### **Harassment Complaint Procedure** (continued)

➤ *Step 4 – Appeal*

1. The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action, may submit a written appeal to the Compliance Officer within fifteen (15) calendar days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct an investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused, and the building principal who conducted the initial investigation.

### **Withdrawal**

A complaint may be withdrawn by the complainant at any level.

### **Hearings and Decisions**

The complainant shall be given the opportunity to be present and to be heard. All decisions at each level shall be in writing and shall include supporting rationale. Copies of all decisions and recommendations shall be furnished promptly to all parties.

### **Reprisals**

No reprisal of any kind shall be taken by or against any party of legitimate interest or any legitimate participant in the complaint procedure by reason of such participation.