



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4118.11 - Prohibition of Harassment (Employees)

Approved on May 19, 2014 | Revised on April 5, 2021

It is the policy of the Board of Education to maintain a working environment that is free from harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, or volunteer for any reason, including harassment based on race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by law.

This policy prohibits harassment by employees, teachers, administrators, Board members, students, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

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 the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity

can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any employee wishing to file a complaint regarding harassment may obtain a copy of the Board's complaint procedures and complaint form, which are included in the Board's Administrative Procedures Regarding Prohibition of Harassment (Employees). These procedures accompany Board Policy #4118.11 and are available online at <https://www.csdnb.org/board-policies.php> or upon request from the main office of any district school.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

Anyone who has questions or concerns about this policy or the Board's policies regarding discrimination or harassment on the basis of gender/sex, or would like a copy of the Board's complaint procedures or complaint forms related to claims of harassment, may contact:

Director of Personnel and Talent Development
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2295

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender identity or expression or marital status prohibited
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60
Connecticut General Statutes § 46a-81a, Sexual orientation discrimination: Definitions
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

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I. Overview

The Board of Education promotes a working environment free from harassment and does not tolerate the harassment of any applicant, employee, independent contractor, or volunteer for any reason, including harassment based on race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by law, subject to the conditions and limitations established by law.

Employees who believe they have been subjected to harassment as defined in Board Policy #4118.11 are encouraged to promptly report such incidents to a Building Principal or the district's Director of Personnel and Talent Development. Timely reporting of incidents of harassment enables the school district to properly investigate and resolve such complaints.

If a complaint involves allegations of harassment based on gender/sex (i.e. sexual harassment or sex discrimination), such complaints will be handled under Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

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 harassment may result in disciplinary action against the retaliator. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

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 harassment. Copies of these administrative procedures will be distributed to all employees.

II. Definition of Harassment

Harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

III. Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy and Board Policy #4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

IV. Examples of Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression is prohibited by this policy. Examples of such harassment include, but are not limited to, the following:

- A. Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law;
- B. Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law;
- C. Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression or any other basis prohibited by local, state and federal law.

V. Complaint Procedure

All members of the school community are responsible for helping to assure that harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the Director of Personnel and Talent Development.

The Personnel and Talent Development Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2295.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be

subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

In the event the Director of Personnel and Talent Development receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Personnel and Talent Development shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

VI. Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of harassment.

VII. Responsibilities of the Director of Personnel and Talent Development

The Director of Personnel and Talent Development is responsible for the following:

- A. Ensuring that all complaints of harassment are investigated in a prompt and objective manner;
- B. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
- C. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
- D. Ensures that the Board's policy and administrative regulations are distributed to all students and employees annually;
- E. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year;
- F. Ensuring students and employees are aware of who is serving as Director of Personnel and Talent Development for the District and how he or she may be reached.

VIII. Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

IX. Responsibilities of Personnel

A. All Employees

Any staff member who feels that he or she is a victim of harassment is strongly urged to immediately report the incident to the Building Principal or Director of Personnel and Talent Development. If possible, the victim is also urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or Director of Personnel and Talent Development even if the offender has been told that his or her behavior is unwelcome and has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the Director of Personnel and Talent Development. If the Director of Personnel and Talent Development is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee who has not been victimized but is aware of or has observed a possible violation of the Board's policy on harassment is required to report such information verbally or in writing to the Building Principal or Director of Personnel and Talent Development. Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline.

B. Administrators

Any complaint or other communication from an applicant for employment, an employee, a volunteer, an independent contractor, a visitor, a government agency, or an attorney concerning potential harassment should be immediately shared with the Director of Personnel and Talent Development. If notification to the Director of Personnel and Talent Development is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Director of Personnel and Talent Development or Superintendent or his or her designee.

C. Director of Personnel and Talent Development

The Director of Personnel and Talent Development shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including harassment.

X. Reporting a Complaint of Harassment

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's Director of Personnel and Talent Development.

The Personnel and Talent Development Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2295.

In the event the Director of Personnel and Talent Development receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Personnel and Talent Development shall follow the procedures identified in Policy # 4118.112/4218.112, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel), where applicable, rather than the complaint procedures provided in these administrative procedures.

Upon any notice from an employee or other individual that harassment may be occurring, the school official taking the complaint should inform such person 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.

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to commit the complaint to writing and may assist the complainant in writing the complaint. 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):

- A. Name of the complainant
- B. Date that the complaint was made
- C. Name(s) of the alleged harasser(s)
- D. Date and place of the alleged harassment
- E. Names of any witnesses, if any
- F. List of documentary evidence, if any
- G. Statement of the facts supporting this complaint of harassment

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

The school official should advise the employee 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 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 efforts concerning employee complaints, including any employee 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 shall immediately forward the complaint to the district's Director of Personnel and Talent Development without screening or investigating the report.

If the Director of Personnel and Talent Development 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.

XI. Investigation of the Complaint

A. Investigator

The Director of Personnel and Talent Development is responsible for investigating any complaints of harassment. The advice of legal counsel should be sought as necessary.

B. Interim measures

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

C. Investigation

The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the 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 the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

D. 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.

E. 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 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 unusual circumstances exist, the written report shall be completed within 10 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.

F. Notification of Results of Investigation

The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

G. Request for Review

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

H. Corrective Action

If 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.

XII. Alternative Complaint Procedures

The federal and state agencies that investigate complaints of harassment of employees are the U. S. Equal Employment Opportunity Commission (EEOC) and the Connecticut Commission of Human Rights and Opportunities (CHRO). If you believe you have been subject to harassment on the basis of race, color, national origin, alienage, sex, age, disability, pregnancy, religion, sexual orientation, marital status, ancestry, genetic information, veteran status, or gender identity or expression you may file a complaint with the CHRO, located at 450 Columbus Blvd., Hartford, CT 06103 (860-477-5737). If you believe you have been subjected to harassment because of your race, color, sex, religion, national origin, age, or disability, you may file a complaint with the EEOC located at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

**APPENDIX A
COMPLAINT FORM REGARDING HARASSMENT (EMPLOYEES)**

Name of the complainant

Date of the complaint

Date of the alleged harassment

Name(s) of the harasser(s)

Location where such harassment occurred

Name(s) of any witness(es) to the harassment

Statement of the facts and circumstances constituting the alleged harassment:

List of Documentary evidence, if any

Remedy Requested
