



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.50 - Prohibition of Harassment (Students)

Approved on December 19, 2016 | Revised on April 5, 2021

It is the policy of the Board of Education to maintain a working and learning environment that is free from harassment. The Board will not tolerate the harassment of any student for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law.

This policy prohibits harassment of students by employees, other students, or third parties. This includes protection from harassment by teachers, administrators, Board of Education members, volunteers, visitors and any other individuals who are on school premises, at school-sponsored activities and at other places where such persons may come in contact with students in connection with educational programs and activities.

Students are also prohibited from harassing teachers, administrators or other school personnel for any reason, including harassment based on race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis prohibited by law, subject to the conditions and limitations established by law.

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, "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 student and/or parent/guardian 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 Harassment (Students). These procedures accompany Board Policy #5145.50 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 #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

Anyone who has questions or concerns about this policy or about 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 Pupil Services
272 Main Street, P.O. Box 1960, New Britain, CT 06050.
Phone: 860-827-2234

A copy of this policy or appropriate summary notice shall be distributed annually to all students and employees.

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 46a-81a, et seq.



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.50 - Prohibition of Harassment (Students)

Approved on December 19, 2016 | Revised on April 5, 2021

I. Overview

The Board of Education promotes a working and learning environment that is free from harassment. The Board of Education does not tolerate harassment of any student by another student, school employee, or third person based upon race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status, or any other basis. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in school-sponsored activities, including sporting events and other extracurricular activities under the auspices of the school district.

Students who have been subjected to harassment as defined in Board Policy #5145.50 are encouraged to promptly report such incidents to any of the following school officials: **School Counselor, Building Principal, Assistant Principal, or the district's Director of Pupil Services**. 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 #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students).

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.

II. Definition of Harassment

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

III. Relationships in the Educational Environment

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 #5145.51, Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Students). Furthermore, such relationships may violate state and federal criminal laws.

IV. Examples of Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status 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, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.
- 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, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.
- 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, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status.

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 student 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 staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Director of Pupil Services.

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, 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 or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

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 unlawful harassment.

VII. Responsibilities of the Director of Pupil Services

The Director of Pupil Services is responsible for the following:

- A. Ensuring that all complaints of harassment of students are investigated in a prompt and objective manner.
- B. 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.
- C. Working cooperatively with the Board's Title IX Coordinator when the complaint alleges sex discrimination or sexual harassment.
- D. Ensures that the Board's policy and administrative procedures regarding unlawful harassment of students are distributed to all students and employees annually.
- E. Ensuring that the definition of harassment as well as the process by which a student 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 are aware of who is serving as Director of Pupil Services for the District and how he or she may be reached.

VIII. Responsibilities of Students and Personnel

A. All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a School Counselor, Building Principal, Assistant Principal or the district's Director of Pupil Services. Any student who is not the target of harassment but is aware of it occurring should likewise be encouraged to report such information.

B. All Employees. Any employee who observes or otherwise becomes aware of any incident of harassment of a student is required to immediately report such incident to the district's Director of Pupil Services.

C. School Counselors and Administrators. Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must be immediately shared with the Director of Pupil Services. If notification to the Director of Pupil Services is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Director of Pupil Services or Superintendent or his or her designee.

D. Director of Pupil Services. The Director of Pupil Services shall be responsible for the investigation of all verbal and written complaints of alleged discrimination against students including harassment.

IX. Reporting a Complaint of Harassment

Any student who feels that he/she has been harassed or discriminated against on the basis of race, color, sex, age, gender identity or expression, religion, national origin, alienage, ancestry, sexual orientation, marital status, disability, pregnancy, immigration status, veteran status or any other basis in violation of Board Policy 5145.50 should immediately bring his or her complaint to the attention of any of the following school officials: **School Counselor, Building Principal, Assistant Principal or the district's Director of Pupil Services.**

The Pupil Services Department is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

In the event the Director of Pupil Services receives a complaint alleging harassment based on gender/sex (i.e. sexual harassment or sex discrimination), the Director of Pupil Services shall follow the procedures identified in Policy #5145.51, Prohibition of Sex Discrimination and Sexual Harassment (Students).

Upon any notice from a student or other individual that harassment or unlawful discrimination of a student may be occurring, the school official should inform the student of the school district's policy and regulations, including the school district's legal obligation to investigate every report. If the complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

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):

1. Name of the complainant
2. Date that the complaint was made
3. Name(s) of the alleged harasser(s)
4. Date and place of the alleged harassment
5. Names of any witnesses, if any
6. List of documentary evidence, if any
7. Statement of the facts supporting this complaint of harassment

The school official should advise the student 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 students, 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 student complaints, including any student failure to take advantage of the opportunities provided by the school district's policy and procedure.

All complaints and accompanying documentation are to be forwarded immediately to the Building Principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. The Building Principal or designee shall immediately forward the complaint to the district's Director of Pupil Services without screening or investigating the report.

If the Director of Pupil Services 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.

X. Investigation of the Complaint

A. Investigator: Director of Pupil Services is responsible for investigating any complaints of harassment against students, regardless of whether the conduct occurred on or off school grounds. The advice of legal counsel should be sought as necessary.

B. Interim measures: The investigator shall assess whether it is necessary to take immediate interim measures to prevent further allegations of harassment or retaliation of any kind while the investigation is pending.

C. Investigation: The investigator shall offer to meet with the complainant within 10 school days of the receipt of the complaint to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have. 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 investigator shall consider whether the alleged harassment has created a hostile school environment, including the consideration of the effects of off-campus conduct on the school. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved.

D. Maintaining Confidentiality: The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. In the event that the student requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the nature of the student's request. If the student insists that his or her personally identifiable information not be shared with the respondent, the student will be informed that the district's ability to investigate and/or take corrective action may be limited.

E. 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.

F. 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. 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 30 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.

G. Notification of Results of Investigation: Within sixty (60) school days from the date the complaint was received by the Director of Pupil Services or designee, the outcome of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy. The written notice shall include a finding of whether or not the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment.

H. Request for Review: If the complainant or respondent is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Superintendent of Schools, who shall review the Director of Pupil Services or designee's written report, the information collected, and the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The complainant may present additional evidence or witnesses for the reviewer to consider. After completing this review, the Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

I. 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; or referral for expulsion proceedings. 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.

If a complaint raises a concern about bullying behavior, the Director of Pupil Services shall notify the Safe School Climate Specialist or designee who shall coordinate a bullying investigation, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

XI. Alternative Complaint Procedures

At any time, any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(800-477-5737)

Copies of this regulation will be distributed to all students.

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

Name of the complainant

Date of the complaint

Date of the alleged harassment

Name(s) of the alleged 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
