



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.50 - Student Sexual, Racial and Other Unlawful Harassment

Approved on December 19, 2016

I. Overview

It is the policy of the Board of Education to maintain a working and learning environment that is free from sexual, racial and other unlawful harassment. The Board will not tolerate the harassment of any student based on race, color, sex, gender identity, religion, national origin, sexual orientation, disability, immigration status or any other basis prohibited by law.

This policy prohibits unlawful 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 on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or immigration status or any other basis prohibited by law.

II. Definition of Unlawful Harassment

Unlawful 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. Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by a student is used as a basis for educational decisions affecting that student's education.

- Such conduct has the purpose or effect of substantially interfering with a student's educational performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive educational environment.

Such conduct constitutes sexual harassment whether or not a threat of adverse consequences is carried out and whether or not the student actually suffers any tangible adverse consequences.

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate outside the school setting may not be appropriate in the school environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

IV. Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voicemail or text messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display or transmission of sexually suggestive objects, pictures or cartoons, graffiti, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome.
- Coercive sexual behavior used to control, influence, or affect educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, recommendation, benefit or activity.
- Suggesting a poor grade or evaluation will be prepared.
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment.
- Inappropriate attention of a sexual nature.

V. 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. Furthermore, such relationships may violate state and federal criminal laws.

VI. Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or immigration status is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- 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, gender identity, religion, national origin, sexual orientation, disability or immigration status.
- 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, gender identity, religion, national origin, sexual orientation, disability or immigration status.
- 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, gender identity, religion, national origin, sexual orientation, disability or immigration status.

VII. Complaint Procedure

All members of the school community are responsible for helping to assure that unlawful 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 Title IX Coordinator.

The Title IX Coordinator for students is 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.

VIII. 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.

IX. Responsibilities of the Title IX Coordinator for students

The Title IX Coordinator is responsible for the following:

- A. Ensuring that all complaints of unlawful 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 Director of Human Resources (the Board's Title IX Coordinator for employees and other persons) when the alleged harasser is a district employee.

- 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 sexual, racial or other unlawful 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 Title IX Coordinator for the District and how he or she may be reached.

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



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Administrative Procedure

5145.50 - Student Sexual, Racial and Other Unlawful Harassment

Approved on February 11, 2017

It is the policy of the Board of Education to maintain a working and learning environment that is free from sexual, racial and other unlawful harassment. The Board will not tolerate the harassment of any student based on race, color

The Board of Education does not tolerate sexual, racial or other unlawful harassment of any student by another student, school employee, or third person based upon race, color, national origin, sex, gender identity, disability, religion, sexual orientation, 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.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

- Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
- Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
- Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
- Touching of a sexual nature or telling sexual or dirty jokes.
- Transmitting or displaying emails or websites of a sexual nature.

- Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Complaint Procedure

Students who believe they have been subjected to unlawful harassment as defined in Board Policy 5145.50 are encouraged to promptly report such incidents to a School Counselor, Building Principal, Assistant Principal or the district's Title IX Coordinator for students. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.

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 unlawful harassment are considered to be a violation of this policy and may result in disciplinary action against the retaliator.

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 sexual, racial and other unlawful harassment.

Responsibilities of Students and Personnel

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 Title IX Coordinator for students. Any student who is not the target of harassment but is aware of it occurring should likewise be encouraged to report such information.

All Employees. Any employee who observes or otherwise becomes aware of any incident of sexual, racial or other unlawful harassment of a student is required to immediately report such incident to the district's Title IX Coordinator for students.

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 Title IX Coordinator. If notification to the Title IX Coordinator is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or his or her designee.

Title IX Coordinator. The Title IX Coordinator for students shall be responsible for the investigation of all verbal and written complaints of alleged discrimination against students including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

Reporting a Complaint of Unlawful Harassment

Any student who feels that he/she has been harassed or discriminated against on the basis of race, color, national origin, sex, gender identity, disability, religion, sexual orientation, 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 Title IX Coordinator for students.**

The district's Title IX Coordinator for students is the Director of Pupil Services. The Office of Pupil Services is located at 272 Main Street, P.O. Box 1960, New Britain, CT 06050. The phone number is 860-827-2234.

Upon any notice from a student or other individual that unlawful harassment or 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 Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator 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.

Investigation of Complaints of Unlawful Harassment

Investigator: The Title IX Coordinator is responsible for investigating any complaints of sexual discrimination or unlawful harassment against students, regardless of whether the conduct occurred on or off school grounds. The advice of legal counsel should be sought as necessary.

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

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 unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigator shall consider whether the alleged sex discrimination or sexual 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.

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 alleged perpetrator, the student will be informed that the district's ability to investigate and/or take corrective action may be limited.

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.

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.

Notification of Results of Investigation: Within sixty (60) school days from the date the complaint was received by the Title IX Coordinator 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.

Request for Review: If the complainant or alleged perpetrator 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 Title IX Coordinator or designee's written report, the information collected, and the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. 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.

Corrective Action: If unlawful 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 sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator 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.

Alternative Complaint Procedures

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111). Copies of this regulation will be distributed to all students.

APPENDIX A
COMPLAINT FORM REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

Name of the complainant

Date of the complaint

Date of the alleged discrimination/harassment

Name(s) of the discriminator(s) or harasser(s)

Location where such discrimination/harassment occurred

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

Statement of the facts and circumstances constituting the alleged discrimination or harassment:

List of Documentary evidence, if any

Remedy Requested
