

## **Personnel – Certified/Classified**

### **Prohibition of Discrimination and Harassment**

It is the policy of this school district to maintain a learning environment free from discrimination and harassment. All employees of this school district are directed to ensure a school environment free of discrimination and harassment towards students and employees in conformance with federal and state laws accompanying this policy. This policy shall apply to all schools within this district, on district property, 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.

In the recruitment, selection, assignment and promotion of personnel, as well as in the conditions or privileges of employment in this school district, including the wages, hours, terms and benefits, whether certified or non-certified, no action will be taken which is based on the race, color, creed, religion, age, sex, national origin, ancestry, mental or physical disability, (including but not limited to blindness), marital status, pregnancy, sexual orientation, genetic information or political affiliation of any individual. In addition, no employee will deny a student access to educational or extra-curricular activities for reasons listed above.

### **Sexual Harassment**

It is the policy of the Board of Education to maintain learning and working environment that is free from sexual harassment. The Board of Education prohibits any form of sexual harassment. It shall be a violation of this policy for any student, employee, individual under contract, third-party or volunteer subject to the control of the Board to harass a student, employee, individual under contract or volunteer through conduct or communication of a sexual nature as defined by this policy. Employees are required to address and/or report discrimination and or sexual harassment immediately as set forth in the complaint procedure.

Sexual harassment is defined as unwelcome physical or verbal conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment, and/or obtaining an education; or
- Submission to or rejection of such conduct is used as a factor in decision affecting an individual's employment and/or student's education; or
- Such conduct is sufficiently severe, persistent or pervasive that it affects an individual's work performance or creates an intimidating, threatening or abusive educational environment; has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment.

## **Personnel – Certified/Classified**

### **Prohibition of Discrimination and Harassment (continued)**

Sexual harassment, as defined above, may include, but is not limited to unwelcome sexual advances, requests for sexual favors, pressure for sexual activity, repeated remarks to a person with a sexual or demeaning implication, unwelcome touching, pulling at clothes, suggesting or demanding sexual involvement accompanied by implicit or explicit threats concerning one's employment or grades, displaying offensive photographs in the work or learning areas, or using insulting or degrading sexual remarks, written or voiced comments or jokes, sexual cornering or blocking a person, attempted rape or rape.

Sexual harassment may occur even if the harasser and the person being harassed are the same sex. In determining whether alleged conduct constitutes a violation of this policy, the school district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

### **Other Forms of Harassment Based on Protected Class Status**

The Board of Education is committed to safeguarding the rights of all Redding students and employees within the school district to learn in an environment that is free from racial discrimination, including harassment based on protected class status including, but not limited to, color, national origin, age, religion, sex and disability, and any other protected class status recognized by law. The Board recognizes that racial harassment of students and employees can originate from a person of the same or different race of the victim including but not limited to peers, employees, or Board members on school grounds or at school-sponsored activities.

Harassment of students and employees consists of different treatment on the basis of protected class status and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student and employees differently than other students and employees solely on the basis of an individual's protected class status; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student or employee to participate in or benefit from the services, activities or privileges provided.

### **Association Membership**

No employee will suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities. Likewise, no employee will suffer any professional disadvantage by reason of non-participation in an employee association.

## **Personnel – Certified/Classified**

### **Prohibition of Discrimination and Harassment (continued)**

#### **Grievances**

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure will suffer reprisals in any other way or suffer any professional disadvantage by reason of opposition to any unfair labor practice or because of participation in the processing of a grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations and school district operation in general when these are not otherwise covered in existing negotiated agreements.

#### **Confidentiality**

The right to confidentiality, both of the complainant and the accused, will be respected consistent with the Board's legal obligations, and to the extent practicable to investigate allegations of misconduct and take corrective actions when this conduct has occurred.

#### **Retaliation**

Retaliation against parties who report sexual harassment, who object to sexual harassment or assist in a sexual harassment investigation, is prohibited by law and this school district. Retaliation in any form against a person who has filed a discrimination or harassment complaint will be grounds for serious disciplinary action, up to and including suspension or dismissal of an employee.

#### **Annual Review**

This policy and regulations should be reviewed yearly to ensure that they are currently in compliance with existing laws and regulations of the state and federal government. A Title IX press release will be published each fall in the local newspapers.

(cf. 5114 – Suspension/Expulsion/Due Process)

(cf. 5131 – Student Conduct)

(cf. 5131.21 – Terroristic Threats/Acts)

(cf. 5144 – Discipline)

Legal Reference: Connecticut General Statutes

Conn. Gen. Stat. §10-15c.

Conn. Gen. Stat. § 46a-60 *et seq.*

**Personnel – Certified/Classified**

**Prohibition of Discrimination and Harassment (continued)**

Constitution of the State of Connecticut, Article I, § 20.

Federal Law

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1581, et seq.

American Disability Act, 42 U.S.C. § 12101, et seq.

Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. § 794.

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.

Age Discrimination Employment Act, 29 U.S.C. § 623, et. seq., and 42 U.S.C. § 6101, et seq.

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REDDING PUBLIC SCHOOLS