

## Students

### Sexual Harassment

It is the policy of this school district to maintain a learning environment free from discrimination and harassment in accordance with federal and state law accompanying this policy. Peer sexual harassment, sexual harassment of employees by students, as well as sexual harassment by school district employees and third parties, is strictly forbidden in 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.

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

- Submission to that conduct is made, either explicitly or implicitly, a term or condition of obtaining an education; or
- Submission to or rejection of that conduct is used as a factor in decision affecting the student's education; or
- That conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's learning opportunities.

Sexual harassment 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. However, this policy does not preclude legitimate, nonsexual physical contact such as for example, the use of necessary restraints to avoid physical harm to persons or property. 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

## Students

### Sexual Harassment (continued)

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.

Students are expected to treat their fellow students and all district employees with dignity and respect at all times on school property and in school programs and activities and to refrain from unwelcome physical or verbal conduct of a sexual nature.

Disciplinary action may result from violations of this policy. Violations of this policy shall be reported to:

1.     Region #9     School Social Worker  
                          Joel Barlow High School  
                          938-2508
  
2.     Easton Director of Special Services  
                          Samuel Staples Elementary School  
                          459-9689
  
3.     Redding        Supervisor, Special Services  
                          Redding Elementary School  
                          938-9026

If the student feels uncomfortable reporting the harassment to the aforementioned person(s), the student should contact any teacher administrator. Students are encouraged to report sexual harassment immediately. School personnel will take prompt and fair action to investigate any report promptly and to take the appropriate measures to stop the sexual harassment.

Retaliation against parties who report sexual harassment, who object to sexual harassment or assist in a sexual harassment investigation, is prohibited by law and by this school district. There will be no adverse consequences in the educational program or activity to such person.

(cf. 4118.1 - Prohibition of Discrimination & Sexual Harassment)

## Students

### Sexual Harassment (continued)

Legal Reference: Federal Law

Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a).

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1581 *et seq.* and 34 C.F.R. §106.

*Meritor Savings Bank FSB v. Vinson*, 477 U.S. 57 (1986).

*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998).

*Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998).

*Gebbs v. Lago Vista Indiana School District*, 524 U.S. 274(1998).

*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999).

Connecticut Law

Conn. Gen. Stat. §10-15c

Conn. Gen. Stat. § 46a-60 *et seq.*

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

## **Students**

### **Sexual Harassment**

#### **Complaint Procedures**

The school district will appoint a Discrimination Complaint Procedure Civil Rights Coordinator, whose responsibilities include grievance procedures, educating students as to their rights and responsibilities, training faculty, and ensuring that the school is free from discrimination and harassment. The Coordinators for the three districts are:

1.     Region #9                     School Social Worker  
  Joel Barlow High School  
  938-2508
  
2.     Easton                         Director of Special Services  
  Samuel Staples Elementary School  
  459-9689
  
3.     Redding                       Supervisor, Special Services  
  Redding Elementary School  
  938-9026

Additional resources include the Superintendent of Schools, school social workers, school psychologists and school guidance counselors.

#### **Consequences of Acts of Harassment**

If it determined that harassment has occurred, the possible consequences to the offending student should include but not be limited to:

- education and reprimand conferences with the Civil Rights Coordinator
- parent conference
- apology to the victim
- detention
- suspension
- recommendation to the Board for expulsion hearing
- referral to police

## Students

### Sexual Harassment

#### Grievance Procedures for Sexual Harassment (continued)

If any student feels he/she has been the victim of harassment by an adult or student, he/she should seek the help of the Civil Rights Coordinator of the school, the principal, or a guidance counselor. It is the responsibility of that staff person to refer the student to the Civil Rights Coordinator or a designee for investigation.

**Step One:** Once the complaint is made, it must be resolved within thirty (30) calendar days of the alleged occurrence or as soon thereafter as possible. In cases of harassment, it is advisable but not required to have a same-sex representative available during the investigation. The Civil Rights Coordinator shall work in conjunction with an administrator in complaints involving disciplinary action against a student. Every complaint is considered serious, and the process is confidential. If the complaint involves the Civil Rights Coordinator, the complainant may go immediately to the Superintendent.

**Step Two:** If the complainant is not satisfied with the action of the Civil Rights Coordinator, within twenty (20) days of the decision of the coordinator, the complainant may appeal the decision in writing to the Superintendent of Schools. The Superintendent will hold a hearing within fifteen (15) days, or as soon thereafter as possible, and will notify the complainant of his/her decision in writing within five (5) days of the hearing.

**Step Three:** If the complainant is not satisfied with the action of the Superintendent, within twenty (20) days after the date on which the Superintendent wrote his/her decision, the complainant may appeal in writing to the Board of Education about the actions of the Superintendent. Complaints against the Superintendent will be started at this level.

**Step Four:** The Board of Education will hold a hearing within fifteen (15) days of receipt of this written appeal, or as soon thereafter as possible, and will decide what, if any, remedies are necessary to eliminate the practices the Board deems discriminatory. The Board will notify the complainant in writing of its decision within five (5) days after such hearing or as soon thereafter as possible.

**The Title IX Coordinator keeps a confidential file of reports. Notices of discipline would go into the student's discipline record.**