

Mission – Goals – Objectives

Nondiscrimination

The District shall promote nondiscrimination and a school environment free of harassment based on an individual's race, color, religion, sex, sexual orientation, national origin, disability, marital status or age, or because of the race, color, religion, sex, sexual orientation, national origin, gender identity or expression, disability, marital status or age of any other persons with whom the individual associates.

In keeping with requirements of federal and state law, the District strives to remove any element of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board will adopt and the District will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues. As part of those procedures, the Superintendent shall appoint and publish the names of the individuals to contact with any such complaints.

Federal civil rights laws prohibit discrimination against an individual because he/she has opposed any discriminatory act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. ADA further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under these federal laws.

(cf. 4111 – Recruitment and Selection)
 (cf. 4111.1/4211.1 – Affirmative Action)
 (cf. 4118.1 – Nondiscrimination and Harassment)
 (cf. 5141.4 – Nondiscrimination)
 (cf. 5145.51 – Sexual Harassment)
 (cf. 6121 - Nondiscrimination)

Legal Reference

Federal Laws

Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*, 34 CFR § 104.1 *et seq.*

Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*, 28 CFR § 35.101 *et seq.*

Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, 34 CFR § 106.1 *et seq.*

Title VI, Civil Rights Act, 42 U.S.C. § 2000d, *et seq.*

Title VII, Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*

Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, 34 CFR § 110.1 *et seq.*

Guidelines on Discrimination Because of Sex, 29 CFR § 1604.1, *et seq.*

Mission – Goals – Objectives

Nondiscrimination

Legal Reference (continued)

Federal Laws (continued)

Guidelines on Discrimination Because of Religion, 29 CFR § 1605.1 *et seq.*

Guidelines on Discrimination Because of National Origin, 29 CFR § 1606.1 *et seq.*

OCR Guidelines on Sexual Harassment, 62 Fed Reg. 12034 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

46a-75 Discrimination in educational and vocational programs prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)

10-153 Discrimination on account of marital status.

Case Law

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

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

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999).

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361 (2008).

ADMINISTRATIVE PROCEDURES GRIEVANCE PROCESS

Students

Grievance Procedures for Discrimination and Harassment

In compliance with Board Policy 0521, the following are the grievance procedures providing for prompt and equitable resolution of student complaints concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues.

If any student or parent feels he/she has been the victim of discrimination or harassment by an employee or student, he/she should contact the Civil Rights Coordinator, or the principal of the school. If a complaint is made to the principal, the principal shall be responsible for referring the Complainant to the Civil Rights Coordinator or a designee for investigation. Every complaint will be treated seriously, and the process is confidential to the extent permitted by the investigative process and the nature of the complaint.

The school district will appoint a Civil Rights Coordinator, whose responsibilities include accepting, investigating and processing discrimination complaints; 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:

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| 1. Region #9 | Dean of Students
Joel Barlow High School
203-938-2508 |
| 2. Easton | Director of Special Services
Samuel Staples Elementary School
203-459-9689 |
| 3. Redding | Supervisor, Special Services
Redding Elementary School
203-938-9026 |

Written complaints must contain the following information:

- Name(s) of person(s) or group making the complaint.
- Whether the person(s) making the complaint represents an individual or group.
- Whether the person(s) making the complaint has discussed the problem with the building principal.
- A summary of the complaint and suggested solution(s).

Processing of the Complaint:

Level 1: The complaint shall be presented in writing, with a suggested solution, to the Civil Rights Coordinator. The Coordinator will have ten (10) school days to investigate the complaint and notify the Complainant of the results of this investigation. If the complaint involves the Civil Rights Coordinator, the Complainant may go immediately to the Superintendent.

Level 2: If the Complainant is not satisfied with the response received from the Coordinator, or if the Complainant does not receive the notification within ten (10) school days, the Complainant may appeal to the Superintendent in writing. The Superintendent will hold a hearing within fifteen (15) school days of receipt of the written appeal, or as soon thereafter as possible, and will notify the Complainant of his/her decision in writing within five (5) school days of the close of the hearing.

Level 3: If the Complainant is not satisfied with the action of the Superintendent, within twenty (20) school days after the date on which the Complainant received notification of the Superintendent's decision, the Complainant may appeal in writing to the Board of Education. Complaints against the Superintendent will be started at this level.

Level 4: The Board of Education will hold a hearing within fifteen (15) school days of receipt of this written appeal, or as soon thereafter as possible. The Board will notify the Complainant in writing of its decision within five (5) school days after such hearing or as soon thereafter as possible.

When investigating a complaint of discrimination where the alleged perpetrator is an employee or agent of the Board, the investigator shall examine and report on the following factors: (1) Did the alleged perpetrator treat the Complainant differently in such a way as to interfere or limit the Complainant's ability to participate in or benefit from a Board program or activity? (2) Did the different treatment occur in the course of the employee or agent's assigned duties or responsibilities? (3) Was the different treatment based on race, color, religion, sex, sexual orientation, national origin, disability, marital status or age? (4) Was there a legitimate, non-discriminatory basis for the different treatment?

When investigating a complaint of discrimination where the alleged perpetrator is another student, the investigator shall examine and report on the context, nature, scope, frequency, duration and location of the alleged discriminatory incident(s), as well as the identity, number and relationships of the persons involved. In determining the severity of the incident, the investigator may consider the age and impressionability of the Complainant. An incident(s) not directly targeted at the Complainant may still be considered discriminatory or harassing, if it creates a hostile environment. The analysis into whether or not a hostile environment exists must focus on the severity, pervasiveness or persistence of the alleged incident(s); it exists where the incident(s) would adversely affect the enjoyment of some aspect of the Board's program by a reasonable person, with the same characteristics as the Complainant, under similar circumstances. The investigator should also determine if the incident(s) qualifies as a verified act of bullying; if so, the investigator should incorporate the Board's procedures for bullying into the response.

If discrimination or harassment is found at any level of the complaint process, immediate and appropriate action will be taken to stop the discrimination or harassment and deter its recurrence. The Board is committed to providing a safe educational environment free from discrimination.

If the issues in the complaint relate to provision of a free and appropriate public education for an individual student, the Complainant may request an impartial due process hearing to review the complaint. In addition, the student may be referred to a Section 504 Team or Planning and Placement Team at any point during the processing of the complaint.

In addition to the internal complaint procedures set forth herein, complaints of discrimination and/or harassment can be reported to:

Office for Civil Rights
US Department of Education
5 Post Office Square, 8th Floor, Suite 900
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150; TDD: 877-521-2172 or Email: OCR.Boston@ed.gov

ADMINISTRATIVE PROCEDURES GRIEVANCE PROCESS

Personnel

Grievance Procedures for Discrimination and Harassment

In compliance with Board Policy 0521, the following are the grievance procedures providing for prompt and equitable resolution of employee complaints concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title VI, Title VII, Title IX and other civil rights or discrimination issues.

If any employee believes he/she has been the victim of discrimination or harassment by an employee or student, he/she should contact the Civil Rights Coordinator, or the principal of the school. If a complaint is made to the principal, the principal shall be responsible for referring the Complainant to the Civil Rights Coordinator or a designee for investigation. Every complaint will be treated seriously, and the process is confidential to the extent permitted by the investigative process and the nature of the complaint.

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Processing of the Complaint:

Level 1: The complaint shall be presented in writing, with a suggested solution, to the Civil Rights Coordinator. The Coordinator will have ten (10) school days to investigate the complaint and notify the Complainant of the results of the investigation. The Civil Rights Coordinator shall work in conjunction with an administrator in complaints involving disciplinary action against an employee. If the complaint involves the Civil Rights Coordinator, the Complainant may go immediately to the Superintendent.

Level 2: If the Complainant is not satisfied with the response received from the Coordinator, or if the Complainant does not receive notification within ten (10) school days, the complainant may appeal to the Superintendent in writing. The Superintendent will hold a hearing within fifteen (15) school days of receipt of the written appeal, or as soon thereafter as possible, and will notify the Complainant of his/her decision in writing within five (5) school days of the close of the hearing.

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