

A new recommended policy to consider.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

The **New Fairfield** Board of Education (Board) is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual discrimination or harassment. Therefore, the Board condemns and prohibits all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment unreasonably interfering with the employee's work performance or adversely affecting the employee's employment opportunities. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Definitions

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Sexual harassment, a form of sex discrimination, means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Employee means all personnel hired by the Board of Education.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. 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.

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Sex Discrimination and Sexual Harassment in the Workplace (continued)

Harassment

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Notification Requirements

The Board shall, in each school, post in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.

In addition, the Board shall provide, not later than three months after an employee's start date with the District, a copy of the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment to each employee by electronic mail with a subject line that includes the words "Sexual Harassment Policy" or similar, if the District has provided an e-mail account to the employee, or if the employee has provided the District with an e-mail address. The Board will also post the information on the District's website. (Note: *The Board can also fulfill this requirement by providing a link to its employees by e-mail, text message or in writing, of the information posted by The Connecticut Commission on Human Rights and Opportunities (CHRO) on its website.*)

Training Requirements

All District employees shall be provided two hours of training and education within one year of October 1, 2019, unless such training was previously provided to any such employee after October 1, 2018. Such training and education shall also take place not later than six months after the date of a new employee's hire. (Note: *The use of the free, online training and education video or other interactive method developed by CHRO fulfills the statutory requirement.*)

In addition to the required training listed above, the Board shall also provide supplementary training at least every ten (10) years on the content of the training and education.

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Training Requirements (continued)

The Board acknowledges that it is subject to a financial penalty if it fails to provide the training and education as required. In addition, such inaction to provide the training is considered, under P.A. 19-16, as a discriminatory practice.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual discrimination and/or sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and posted in appropriate places.

Legal References: United States Constitution, Article XIV
Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a).
Equal Employment Opportunity Commission Policy Guidance (N-915.035)
on Current Issues of Sexual Harassment, Effective 10/15/88.
Title IX of the Education Amendments of 1972, 20 USCS §1681, *et seq.*
Title IX of the Education Amendments of 1972, 34 CFR §106, *et seq.*
Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June
26,1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court,
June 26,1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme
Court, June 26,1998)
Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
Conn. Agencies Regs. §46a-54-200 through §46a-54-207
Constitution of the State of Connecticut, Article I, Section 20.
P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

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| Policy adopted: | June 1, 2006 | NEW FAIRFIELD PUBLIC SCHOOLS |
| Policy revised: | August 19, 2010 | New Fairfield, Connecticut |
| Policy revised: | _____ | |

A sample regulation to consider.

Personnel -- Certified/Non-Certified

Sex Discrimination and Sexual Harassment in the Workplace

The following procedures shall be followed pursuant to the Board of Education policy prohibiting sex discrimination and sexual harassment in the workplace.

Definitions

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Sexual harassment, a form of sex discrimination, means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Employee means all personnel hired by the Board of Education.

Immediate supervisor means the person to whom the employee is directly responsible. (e.g., Department Head, Building Principal)

Policy Awareness

- A. Each school shall post in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.
- B. Each employee shall be provided, not later than three months after the employee's start date with the District, a copy of the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment to each employee by electronic mail with a subject line that includes the words "Sexual Harassment Policy" or similar, if the District has provided an e-mail account to the employee, or if the employee has provided the District with an e-mail address.
- C. The Board will also post the information on the District's website. (Note: *The Board can also fulfill this requirement by providing a link to its employees by e-mail, text message or in writing, of the information posted by The Connecticut Commission on Human Rights and Opportunities (CHRO) on its website.*)

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Sex Discrimination and Sexual Harassment in the Workplace

Policy Awareness (continued)

- D. The Board of Education policy, “**Sex Discrimination and Sexual Harassment in the Workplace**” shall be distributed to all employees annually at the start of the school year by each building Principal. Principals shall provide written assurance to the Superintendent that such policy and implementing procedures have been distributed and explained to staff.

Staff Training

- A. Staff training in the prevention of sexual discrimination and sexual harassment in the workplace shall be conducted annually as part of the District’s continuing staff development program.
- B. All District employees shall be provided two hours of training and education within one year of October 1, 2019, as required by P.A. 19-16, unless such training was previously provided to any such employee after October 1, 2018.
- C. Training and education shall also take place not later than six months after the date of a new employee’s hire.
- D. Supplementary training shall also be ~~proved~~ **provided** to all staff every ten years on the content of the training and education.

Note: *The use of the free, online training and education video or other interactive method developed by CHRO fulfills the above statutory requirements.*

Procedures

- A. The Superintendent of Schools will appoint a District Title IX Coordinator and announce the identity of this person annually at the beginning of the school year.
- B. Employees who believe they have been subjected to sexual harassment or sexual discrimination are to report the incident promptly to the Title IX Coordinator [and to their immediate supervisor]. Should the Title IX Coordinator be the subject of the complaint, the complaint shall be made to the Superintendent, who shall investigate or appoint a designee to do so. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.
- C. All reports of sexual harassment will be held in confidence subject to all applicable laws.
- D. Consistent with federal and state law, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment.

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Sex Discrimination and Sexual Harassment in the Workplace (continued)

Informal Complaints

Employees who believe they have been subjected to sex discrimination or sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged perpetrator. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken. Thereafter, the written report of the incident is to be prepared and the complainant informed of the resolution. The complainant is to indicate on report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual discrimination or harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

If during the informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the Title IX Coordinator. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the Title IX Coordinator on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual discrimination harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

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Sex Discrimination and Sexual Harassment in the Workplace

Formal Complaints (continued)

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Southwest Region Office of the Connecticut Commission on Human Rights and Opportunities, 350 Fairfield Avenue, Bridgeport, CT 06604, Phone Number (203) 579-6246. (Your regional CHRO office can be found by accessing <https://www.ct.gov/chro/cwp/view.asp?a=2523&Q=315790>) and/or the Equal Employment Opportunity Commission, Boston Area Office, 475 Government Center, Boston, MA 02203 (Telephone Number 617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Investigating a Complaint

Complaints will be investigated promptly. Corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

Remedial Action

If the investigation reveals that sexual discrimination or harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the Superintendent or the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of sexual discrimination or harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

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Sex Discrimination and Sexual Harassment in the Workplace (continued)

~~Title IX Coordinator~~

The Title IX Coordinator for the _____ Board of Education is _____.

Title IX Coordinators

The Title IX Coordinators for the New Fairfield Board of Education are:

FOR STAFF

Human Resources Director

FOR STUDENTS

Assistant Superintendent

Complaint Records

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies should also be filed with the employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board, in the absence of a victim's complaint, must ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

Role of the District Title IX Coordinator

The District Title IX Coordinator shall immediately institute an inquiry into allegations which shall include, but not limited, to:

1. Advising the Superintendent of Schools that a complaint of alleged sexual harassment has been filed.
2. Interviewing the complaining adult or student in a confidential setting. In the case of a student, the parent/guardian shall be notified (unless the parent/guardian is the subject of the allegations) and invited to be present for the interview.
3. Conducting interviews with all parties named as perpetrators of and witnesses to the alleged sexual harassment.
4. Filing a report of findings with the Superintendent of Schools. If the findings result in reasonable cause to suspect or believe that any child under the age of eighteen has been abused, the District Title IX Compliance Officer shall also file a report with the State of Connecticut Commissioner of Children and Youth Services. Nothing contained herein shall abrogate the reporting requirements of school personnel pursuant to Connecticut General Statute 17a-101 in cases of suspected child abuse.

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Legal References: United States Constitution, Article XIV
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on Current Issues of Sexual Harassment, Effective 10/15/88.
Title IX of the Education Amendments of 1972, 20 USCS §1681, *et seq.*
Title IX of the Education Amendments of 1972, 34 CFR §106, *et seq.*
Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June
26,1998)
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Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
Conn. Agencies Regs. §46a-54-200 through §46a-54-207
Constitution of the State of Connecticut, Article I, Section 20.
P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

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| Regulation approved: | February 7, 2002 | NEW FAIRFIELD PUBLIC SCHOOLS |
| Regulation revised: | August 19, 2010 | New Fairfield, Connecticut |
| Regulation revised: | _____ | |

NEW FAIRFIELD PUBLIC SCHOOLS

**COMPLAINT FORM REGARDING SEX DISCRIMINATION AND
SEXUAL HARASSMENT (PERSONNEL)**

Name of the complainant: _____

Date of the complaint: _____

Date of the alleged discrimination/harassment: _____

Name or names of the discriminator(s) or harasser(s): _____

Location where such discrimination/harassment occurred: _____

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment:

Signature of Complainant

Date

NEW FAIRFIELD PUBLIC SCHOOLS

**APPEAL FORM REGARDING SEX DISCRIMINATION AND SEXUAL
HARASSMENT COMPLAINT (PERSONNEL)**

Name and position of complaint: _____

Date of appeal: _____

Date of the original complaint: _____

Have there been any prior appeals: Yes No

To whom: _____

Description of decision being appealed: _____

Why is the decision being appealed?: _____

Signature of Complainant

Date

To be posted in a conspicuous place readily available for viewing by employees

NEW FAIRFIELD PUBLIC SCHOOLS

**SEXUAL HARASSMENT IS ILLEGAL
AND IS PROHIBITED
BY
THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT
(Section 46a-60 of the Connecticut General Statutes)
AND
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

Examples of SEXUAL HARASSMENT include:

- UNWELCOME SEXUAL ADVANCES
- SUGGESTIVE OR LEWD REMARKS
- UNWANTED HUGS, TOUCHES, KISSES
- REQUESTS FOR SEXUAL FAVORS
- DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS

Remedies for SEXUAL HARASSMENT may include:

- CEASE AND DESIST ORDERS
- BACK PAY
- COMPENSATORY DAMAGES
- HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO **THE TITLE IX COORDINATOR, OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT.** CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
SOUTHWEST REGION OFFICE
[REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]

{ADDRESS}

{PHONE NUMBER}

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
SOUTHWEST REGION OFFICE
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604
PHONE (203) 579-6246

AND/OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BOSTON AREA OFFICE
475 GOVERNMENT CENTER
BOSTON, MA 02203
PHONE (617) 565-3200
(800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/DISCRIMINATION OCCURRED.