



WOODBIDGE SCHOOL DISTRICT

40 Beecher Road – South
Woodbridge, Connecticut 06525

Jonathan S. Bodd, Ph.D. – Superintendent

MEMORANDUM

TO: Woodbridge Board of Education Policy Committee

FROM: Jonathan S. Bodd, Ph.D., Superintendent

DATE: March 4, 2021

RE: Proposed Revision of Policy 4118.112, "Sexual Harassment"

Please find attached a proposed revision of Policy 4118.112 which would accomplish the following:

- Conform with Connecticut Public Act 19-16, "An Act Combatting Sexual Assault and Sexual Harassment," and relevant statutory changes.

Personnel — Certified and Non-Certified

Sexual Harassment

The Woodbridge 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 of or witnesses to allegations of sexual harassment.

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 any individual hired by the Board of Education.

Immediate supervisor means the person to whom the employee is directly responsible.

Harassment

Any employee who believes that s/he has been subjected to sex discrimination or sexual harassment should report the alleged misconduct immediately 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.

Training Requirements

Staff training in the prevention of sex discrimination and sexual harassment in the workplace shall be conducted consistent with the requirements of the State of Connecticut, including training not later than six months after the date of a new employee's hire.

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 regulations are to be distributed to all personnel and posted in appropriate places.

(cf. 4000.1/5145.44 – Title IX)

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.*

Title IX Final Rule, May 6, 2000)

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

Policy adopted:

Personnel -- Certified/Non-Certified

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. 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.

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 perpetrator 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 the supervisor's report whether or not s/he 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 sex discrimination or sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the discrimination or 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 perpetrator'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 perpetrator 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 sex discrimination or sexual 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 should 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. Forms are available by contacting any supervisor, the district's Title IX Coordinator or the Superintendent of Schools.

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 West Central Regional Office of the

Connecticut Commission on Human Rights and Opportunities, 55 West Main Street, Suite 210, Waterbury, CT 06702 (203) 805-6530, 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 discrimination / 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.

Title IX Coordinator

The Title IX Coordinator for the Woodbridge Board of Education is the Special Services Director.

Complaint Records

A complainant 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 perpetrator.

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 sex discrimination or sexual harassment.

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 sex discrimination or 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 sex discrimination or 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 Coordinator 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.

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.*

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Gebbser 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

Regulation approved:

Personnel—Certified/Non-Certified**Sexual Harassment****Sexual Harassment/Intimidation**

~~The Woodbridge School District is committed to preserving a positive and productive working and learning environment free of discrimination. The Woodbridge School District prohibits sexual harassment or intimidation of its employees or students whether by supervisory or non-supervisory personnel, by individuals under contract, by volunteers subject to the control of the Board, or by students. Sexual harassment/intimidation in the workplace by employees will result in disciplinary action up to and including dismissal. Students engaged in sexual harassment/intimidation will also be subject to disciplinary action.~~

Sexual harassment/intimidation is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct, threats or suggestions that an employee's or student's submission to or rejection of unwelcome conduct will in any way influence an employment or education decision regarding that employee or student or conduct of a sexual nature which substantially interferes with an employee's work performance, or student's educational performance or creates an intimidating, hostile or offensive work or school environment, such as the display in the workplace or school of sexually suggestive objects or pictures.

Procedures (Informational Purposes)

~~The Woodbridge School District Board of Education encourages victims of sexual harassment to report such incidents. Employees are encouraged to promptly report complaints of sexual harassment/intimidation to the Director of Special Services. Students are encouraged to promptly report complaints of sexual harassment/intimidation to the Principal. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.~~

Legal Reference: Connecticut General Statutes

~~46a-54(15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers. Recordkeeping.~~

~~Faragher v City of Boea 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)~~

Policy adopted: November 19, 2012

WOODBRIIDGE PUBLIC SCHOOLS

Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Sexual Harassment Regulations

Sexual Harassment/Intimidation Regulations

The Board of Education endeavors to provide all students with a school environment that is free from all forms of sexual harassment. Sexual harassment does not only depend upon the actor's intention but also upon how the person who is the subject of the behavior reasonably perceives the behavior and is affected by it. Sexual harassment will not be tolerated by, among or against students of the school district. The Board recognizes that sexually harassing behavior can originate from a person of either sex against a member of either the opposite or same sex. All members of our school community are required to adhere to a standard of conduct that is respectful and courteous to students, district employees and the general public.

The Board of Education condemns and prohibits all sexual harassment. Unwelcome behavior of a sexual nature is sexual harassment, if submission to or rejection of it is made implicitly or explicitly, a term or condition of instruction or participation in an educational activity or the basis of evaluation or an academic decision, or if it has the purpose or effect of creating a hostile, intimidating or offensive academic environment. Examples of such behavior include unwanted touching, insulting or degrading sexual comments and the display of sexually explicitly or suggestive gestures, objects words or practices.

It is the express policy of the Board of Education to encourage victims of sexual harassment to report such claims. Students and/or their parent/guardian should promptly report complaints of sexual harassment to the appropriate personnel or the building principal or his/her designee. The Superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. The right to confidentiality of the complainant and the accused will be respected consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when such conduct has occurred. There shall be no retaliation whatsoever against an individual filing a complaint of harassment made in good faith.

In accordance with employee organization agreements, the law and Board policy, a proven charge of sexual harassment against a staff member of the Board shall subject such staff member to appropriate corrective action, which may include discipline up to and including discharge. A proven charge against a student shall subject that student to appropriate corrective action, which may include suspension or expulsion, consistent with student discipline policy.

In an effort to provide a learning environment that is free of sexual harassment, the Board directs the administration to educate students and staff about sexual harassment, emphasizing the areas of awareness and prevention. In addition, the Woodbridge School District will provide staff development for administrators and supervisory personnel and will annually inform staff and students of this policy.

Procedure

Any student and/or parent or guardian who believes that he or she has reason to complain about sexual harassment should report the alleged misconduct immediately to a teacher, special services personnel, the building principal or the Superintendent. The building principal, or if the building principal's conduct is in question, the Superintendent, will conduct a prompt, full and impartial investigation of any complaint of sexual harassment and, if sexual harassment is determined to have occurred, will design and implement prompt corrective action. Reprisals or retaliation against anyone making a good faith report of possible sexual harassment will not be permitted.

All complaints of sexual harassment will be treated with all appropriate confidentiality and in accordance with Complaint Levels 1, 2 and 3 as set forth below. The parents of a child making a claim of, or accused of, sexual harassment will be promptly notified of the complaint, included in its proceeding and apprised of the results of the investigation, consistent with applicable state and federal statutes and regulations.

Remedial Action

Students who are determined to have engaged in sexual harassment will be subject to appropriate corrective

action, including disciplinary action up to and including suspension and expulsion. Parents of children determined to have engaged in sexually harassing behavior will be informed of the fact and about faculty resources available to assist them in avoiding recurrence of the behavior.

Employees who are determined to have engaged in sexual harassment will be subject to appropriate corrective action, including disciplinary action up to and including suspension and/or termination.

False Complaint

If it is determined that a complaint of sexual harassment was not made in good faith or was deliberately false, the complainant will be subject to appropriate corrective action, which may include suspension or expulsion, consistent with student discipline policy.

If it is determined that a complaint of sexual harassment was not made in good faith or was deliberately false, the complainant will be subject to appropriate corrective action, which may include suspension and/or termination, consistent with personnel policy.

Investigation in the Absence of a Complaint

The Board of Education may, in the absence of a victim's complaint, initiate an investigation upon learning of possibly harassing sexual conduct.

Staff Responsibility

Any staff member who is made aware of a complaint of possible sexual harassment must immediately report the complaint to the school principal. The school principal will verbally inform the Superintendent of Schools of the situation and the Superintendent or designee will assure the complaint is given proper consideration, and at the same time, protect the rights of the individuals involved.

Confidentiality

The right to confidentiality of the complainant and the accused will be respected consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when such conduct has occurred.

Level 1 Complaint

Students and/or parent or guardian who believes they have reason to complain about sexual harassment or employees who believe they have reason to complain about sexual harassment by students may request that an informal meeting be held between themselves and the appropriate member of administration. The purpose of such a meeting will be to discuss the allegations and remedial steps available. If a potential incident of sexual harassment is articulated in the meeting, the administrator will promptly discuss the complaint with the alleged harasser(s). Should the harasser(s) admit engaging in sexual harassment, the administration will implement or initiate corrective action as appropriate, including if possible, obtaining the harasser(s) written assurances that the unwelcome behavior will stop and depending upon the severity of the charges, the implementation or recommendation of disciplinary action up to and including suspension or expulsion in the case of a student, and discharge in the case of an employee. The administrator will prepare a written report of the incident and submit a copy to the Superintendent of Schools for inclusion in the perpetrator's file, as appropriate.

If the charges are substantiated, the complainant will be so informed and that appropriate action has occurred to remedy the situation. In addition, the complainant is to be informed that any recurrence of harassing behavior or any retaliatory behavior, either by the original harasser or others, should be promptly reported.

Should the alleged harasser deny engaging in sexual harassment or should the administrator conclude that any incident did not constitute sexual harassment, the administrator is to so inform the complainant and invite him or her to submit a Level 2 Complaint. The administrator will file a report with the Superintendent of Schools, as appropriate, on the complaint and the actions taken to date. If the complainant does submit a Level 2 Complaint, a copy of it will accompany the administrator's report. If administration deems it appropriate, investigation may continue even absent a Level 2 Written Complaint by the complainant.

Level 2 Complaint

Level 2 Complaints may be submitted either initially to report any incidents of possible sexual harassment or as a

follow up to an unsatisfactory resolution of a Level 1 attempt to resolve a sexual harassment complaint. In the latter case, the Level 1 complaint is to be submitted to or by the administrator originally consulted, who will then forward it to the Superintendent of Schools, as appropriate, for action.

The Level 2 Complaint will be made on appropriate forms and be accompanied by copies of any applicable supervisory reports. The appropriate forms will solicit the specifics of the complaint including the names of the complainants, name(s) of the alleged harasser(s), date(s) and place(s) of the incidents, description(s) of the sexual speech or behavior, names of any witness(es), any additional relevant information concerning the allegations and information concerning any previous action taken to resolve this matter.

Appeal Procedure—Level 3

The complainant(s) or the accused harasser(s) may appeal to the next supervisory level or to the Board of Education if there is dissatisfaction with a formal investigation's conclusion as to whether sexual harassment has occurred or with any remedial action taken. The appeal must include reference to the original complaint and a statement of the reason for the appeal. The Superintendent of Schools or the Board of Education will be provided copies of all relevant reports concerning the specific action being appealed along with the appeal document.

Regulation approved: November 19, 2012

WOODBIDGE PUBLIC SCHOOLS

Woodbridge, Connecticut

**WOODBIDGE SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT REPORT**

LEVEL 1

Administrator: Please detail the nature of the complaint, setting forth names and dates, as appropriate; and the response of the individual against whom the complaint is made

Finding and Action Taken:

Signature of Administrator: _____

Date: _____

Reports of harassment shall be treated with all appropriate confidentiality.

LEVEL 2

Name of Complainant: _____

Home Address: _____

Telephone (Home) _____

Date of Incident: _____ Time of Incident: _____ Date Reported: _____

Location of Incident

Complaint Filed Against (Name/Position):

Witness:

Name/Position	Address	Telephone
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Name/Position	Address	Telephone
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Name/Position	Address	Telephone
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Details (description) of complaint: (Please attach any additional information/documentation as necessary)

Recommended Action/Action Taken:

Signatures (Acknowledgments):

Complainant _____ Date: _____

Subject of Investigation _____ Date: _____

School Principal: _____ Date: _____

Superintendent of Schools: _____ Date: _____

Reports of harassment shall be treated with all appropriate confidentiality.

**WOODBIDGE SCHOOL DISTRICT
SEXUAL HARRASSMENT STUDENT INVESTIGATIVE REPORT**

LEVEL 2

Name of Complainant (Student): _____

Student's parent/guardian: _____

Home Address: _____

Telephone (Home) _____

Date of Incident: _____ Time of Incident: _____ Date Reported: _____

Location of Incident: _____

Complaint Filed Against (Name/Position): _____

Individuals Interviewed: _____

Name/Position

Address

Telephone

Name/Position

Address

Telephone

Name/Position

Address

Telephone

Details (description) of complaint: (Please attach any additional information/documentation as necessary)

Recommended Action/Action Taken:

Signatures (Acknowledgments):

Complaint _____ Date: _____

Subject of Investigation _____ Date: _____

School Principal: _____ Date: _____

Superintendent of Schools: _____ Date: _____

Reports of harassment shall be treated with all appropriate confidentiality.

**WOODBIDGE SCHOOL DISTRICT
APPEAL FORM FOR SEXUAL HARASSMENT COMPLAINT APPEAL**

LEVEL 3

Name(s) and position(s) of appeal initiator: _____

Name(s) and position(s) of original complainant:

Date of Original Complaint: _____

Date of Appeal: _____

This appeal is being submitted to the:

Superintendent of Schools Board of Education

What is/are the decision(s) and/or remedial action(s) being appealed?

Why is/are the decision(s) and/or remedial action(s) being appealed?

Name of Appealing Party

Date

Reports of sexual harassment shall be treated with all appropriate confidentiality