



WOODBIDGE SCHOOL DISTRICT

40 Beecher Road – South
Woodbridge, Connecticut 06525

Jonathan S. Budd, Ph.D. – Superintendent

MEMORANDUM

TO: Woodbridge Board of Education
FROM: Jonathan S. Budd, Ph.D., Superintendent
DATE: February 3, 2022
RE: Proposed Revision of Policy 5145.52, "Harassment"

Based on this afternoon's meeting of the Policy Committee, please find attached a proposed revision of Policy 5145.52 to update this policy based on current recommendations of the Connecticut Association of Boards of Education (CABE). This policy revision, which is total, is represented in red. The proposed revised policy is brought forward to you tonight for adoption.

Students

Harassment

The Woodbridge Board of Education strives to provide a safe, positive working and learning climate. Therefore, harassment, in any form, will not be tolerated in the Woodbridge School District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees, and other visitors -- who are on District grounds or property or 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.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the district's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, harassment consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation (including gender identity/expression), or age when such conduct/harassment:

1. is sufficiently severe, persistent, or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's learning or work opportunities;
4. is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in district programs or activities; and
5. exposure to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued education employment; or participation in district programs or activities; and
2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to, sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects;

graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile, or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment. Each student shall be responsible to respect the rights of all students and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Director of Special Services as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors, and the public. The publication shall include the position, office address, and telephone number of the District's Compliance Officer.

The District shall annually inform students, staff, parents, independent contractors, and volunteers that unlawful harassment will not be tolerated with the school system.

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29CFR Sec. 1606.8 (a0 62 Fed. Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512(1/19/01)

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

Personnel -- Students

Harassment

Harassment Complaint Procedure

If a person believes that a student is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior is repeated following a request to the harasser that it cease, the person shall have the option of pursuing either an informal complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any person who makes an informal oral complaint of student harassment to the Director of Special Services will be provided a copy of these regulations and will be encouraged to pursue the formal procedure should the informal investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. However, it is not necessary for the person being harassed to wait until the offensive behavior is repeated before filing a complaint. Offensive behavior of an egregious nature would warrant an immediate and formal complaint be filed.

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the informal procedure has also proven unsatisfactory, or unacceptable, the person may pursue the formal complaint procedure, which involves submitting a written complaint to the Director of Special Services. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed. (See Policy #5141.4, [Reporting of Child Abuse and Neglect](#))

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Director of Special Services unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

Upon receiving a formal complaint, the Director of Special Services, will, as soon as possible, commence an effective, thorough, objective, and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator, and the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If, after a thorough investigation, there is reasonable cause to believe that student harassment has occurred, the District shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees and supervisors shall be provided copies of the Board of Education policy concerning student harassment, and this policy will be reproduced in all employee and student handbooks.

Regulation approved:

Students

Harassment/Intimidation

The Board of Education believes that all students and those who have a relationship or involvement with the school district should treat one another with respect for the individual's dignity. It is the policy of the board of Education that all students have a right to attend school in an environment free of discrimination, which includes freedom from all forms of harassment. The Board of Education in support of this belief prohibits all forms of harassment of students by other students, employees, outside vendors, contracted services providers and community members.

Harassment of students will not be tolerated. Any form of harassment related to a student's race, color, sex, sexual orientation, religion, national origin, age, disability (physical or mental), marital, or veteran status will be considered a violation of this policy and will be treated as a disciplinary matter. Harassment is a repeated or persistent form of inappropriate and deliberate conduct intended to annoy and/or undermine the student relationship.

If a student feels that he/she is being harassed by another student, employee, vendor, visitor, parent, or other individual who has cause to be associated with the school district, the student should, if possible, first let the harassing person know of their objections. If the student finds it difficult to do so or that their first objections do not produce results, the problem characterized as harassment is to be reported immediately to the teacher or Principal. If the teacher or Principal is the source of the harassment, the individual making of a complaint shall report it to the Director of Special Services or the Superintendent.

To the extent possible, the student's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the student and/or parent/guardian will be informed of the outcome of the investigation.

This policy prohibits retaliation against any student who rejects, protests, or complains about harassment. The Superintendent will develop regulations detailing procedures for reporting and processing complaints in relation to harassment.

The Director of Special Services or another individual designated by the Superintendent will investigate every complaint of harassment, without bias or premature judgment. An investigation shall include interviews with the individual filing the complaint, the subject of the complaint, and others who may have knowledge of the situation.

The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused individuals. Information obtained during the course of an investigation of harassment will be maintained in confidence and released only to individuals who have a need to know.

Administration reserves the right to determine whether an incident is more properly investigated and handled under the bullying policy or the harassment policy and that an investigation and complaint resolution process under one policy serves to satisfy the complaint resolution process under the other policy.

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11 EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b) OCR Guidelines for Title IX.

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~~[46a-60](#) Discriminatory employment practices prohibited.~~

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~~[10-153](#) Discrimination on account of marital status.~~

~~[17a-101](#) Protection of children from abuse.~~

Policy adopted: March 17, 2014

WOODBRIIDGE SCHOOL DISTRICT

Woodbridge, Connecticut

Students

Harassment/Intimidation

The Board of Education endeavors to provide all students with a school environment that is free from all forms of harassment. Harassment does not only depend upon the person's intention but also upon how the person who is the subject of the behavior reasonably perceives the behavior and is affected by it. Harassment will not be tolerated by, among or against students of the school district. The Board recognizes that 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 harassment. Unwelcome behavior is 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 student environment. Examples of such behavior include unwanted touching, insulting or degrading comments and the display of explicit or suggestive gestures, objects words or practices.

It is the express policy of the Board of Education to encourage victims of harassment to report such claims. Students should promptly report complaints of harassment to the appropriate teacher 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 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 the law and Board policy, a substantiated charge of harassment 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 harassment, The Board directs the administration to educate students and staff about 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 students and/or parent or guardian who believes that he or she has reason to complain about harassment should report the alleged misconduct immediately to a teacher or the building Principal. 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 harassment and, if harassment is determined to have occurred, will design and implement prompt corrective action.

Reprisals or retaliation occurred, will design and implement prompt corrective action. Reprisals or retaliation against anyone making a good faith report of possible harassment will not be permitted.

All complaints of harassment will be treated with 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, 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 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 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 harassment will be subject to appropriate corrective action, including disciplinary action up to and including suspension and/or termination.

False Complaint

It is determined that a complaint of 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.

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 conduct.

Staff Responsibility

Any staff member who is made aware of a complaint of possible harassment must immediately report the complaint to the school Principal. The school Principal will verbally inform the Superintendent of Schools of the situation and 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/guardian who believe they have reason to complain about harassment 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 harassment is articulated in the meeting, the teacher and/or administrator will promptly discuss the complaint with the alleged harasser(s). Should the harasser(s) admit engaging in 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 student suspension and/or expulsion. The administrator will prepare a written report of the incident and submit a copy to the Superintendent of Schools.

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 harassment or should the administrator conclude that any incident did not constitute harassment, the administrator is to so inform the complainant and invite him/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 harassment or as a follow-up to an unsatisfactory resolution of a level 1 attempt to resolve a harassment complaint. In the latter case, the Level 1 complaint is to be submitted to or by the teacher and/or 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 reports. The appropriate forms will solicit the specifics of the complaint including the names of the complainants, name(s) of the alleged harassers, date(s) and place(s) of the incidents, description(s) of the speech or behavior, names of any witness(es), and 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 harassment has occurred or with any remedial action taken, provided they have successfully adhered to and followed Level 1 and Level 2 procedures. The appeal must include reference to the original complaint and a statement of the reason for the appeal. The Superintendent of Schools or finally the Board of Education will be provided copies of all relevant reports concerning the specific action being appealed along with the appeal document.

Legal Reference: Title VII, Civil Rights Acts, 42 U.S.C. 2000e, et seq.

~~29 CFR 1604.11 EEOC Guidelines on Sex Discrimination.~~

~~Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.~~

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

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~~[17a-101](#) Protection of children from abuse.~~

Regulation approved: March 17, 2014

WOODBIDGE SCHOOL DISTRICT

Woodbridge, Connecticut

**WOODBIDGE SCHOOL DISTRICT
HARASSMENT COMPLAINT REPORT**

LEVEL 1

Student: Please detail the nature of the complaint, setting forth names and dates, as appropriate.

Teacher/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 the Action Taken:

Signature of Teacher/Administrator: _____

Date: _____

Reports of harassment shall be treated with all appropriate confidentiality.

**WOODBIDGE SCHOOL DISTRICT
HARASSMENT COMPLAINT REPORT**

LEVEL 2

Name of Complainant: _____

Student's Parents/Guardian: _____

Home Address: _____ Telephone: _____

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

Location of Incident: _____

Complaint Filed Against: _____

Witness: _____

_____ Name _____ Address _____ Telephone _____

_____ Name _____ Address _____ Telephone _____

_____ Name _____ Address _____ Telephone _____

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

Recommended Action/Action Taken: _____

Signatures (Acknowledgments):

Complaint: _____ Date: _____

Parent/Guardian: _____ Date: _____

Subject of Investigation: _____ Date: _____

Principal: _____ Date: _____

Superintendent: _____ Date: _____

Reports of harassment shall be treated with all appropriate confidentiality.

**WOODBIDGE SCHOOL DISTRICT
HARASSMENT COMPLAINT APPEAL**

LEVEL 3

Names(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 _____ 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 harassment shall be treated with appropriate confidentiality