

It is the policy of the Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Madison Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities as well as the district website. The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination: Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual’s actual or perceived membership in a Protected Class.

B. Harassment: Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual’s ability to participate in or benefit from the services, activities, or opportunities offered by the District.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;

- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy.

For more information regarding harassment based on sex, sexual orientation, , pregnancy, or gender identity or expression, contact the District's Title IX Coordinator.

C. Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

D. Veteran: A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed

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77 to provide health care services at a United States Department of Veterans Affairs facility,
78 (B) an experience of military sexual trauma disclosed to an individual licensed to provide
79 health care services at a United States Department of Veterans Affairs facility, or (C) a
80 determination that sexual orientation, gender identity or gender expression was more
81 likely than not the primary reason for an other than honorable discharge, as determined in
82 accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

83
84 E. Race: The term “race” is inclusive of historically-associated ethnic traits,
85 including but not limited to, hair texture and protective hairstyles. “Protective hairstyles”
86 includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids,
87 cornrows, locs, twists, Bantu knots, afros and afro puffs.

88 F. Domestic violence: Domestic violence means (1) a continuous threat of present
89 physical pain or physical injury against a family or household member, as defined
90 in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as
91 described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a
92 pattern of threatening, including but not limited to, a pattern of threatening as described in
93 Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that
94 intimidates such family or household member; or (4) coercive control of such family or
95 household member, which is a pattern of behavior that in purpose or effect unreasonably
96 interferes with a person's free will and personal liberty. “Coercive control” includes, but
97 is not limited to, unreasonably engaging in any of the following: (a) isolating the family
98 or household member from friends, relatives or other sources of support; (b) depriving the
99 family or household member of basic necessities; (c) controlling, regulating or monitoring
100 the family or household member's movements, communications, daily behavior, finances,
101 economic resources or access to services; (d) compelling the family or household member
102 by force, threat or intimidation, including, but not limited to, threats based on actual or
103 suspected immigration status, to (i) engage in conduct from which such family or
104 household member has a right to abstain, or (ii) abstain from conduct that such family or
105 household member has a right to pursue; (e) committing or threatening to commit cruelty
106 to animals that intimidates the family or household member; or (f) forced sex acts, or

threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

II. Reporting:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination. These regulations accompany Board Policy #1370 Community/Non-Discrimination and are available online at <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled in accordance with other appropriate policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace; Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment; Policy #4118.14, Section 504/ADA, and Policy #5200, Section 504/ADA).

In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

In addition to reporting to District officials in accordance with this policy, individuals also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

[Equal Employment Opportunity Commission \(employees only\):](#)

[Equal Employment Opportunity Commission, Boston Area Office](#)
[John F. Kennedy Federal Building](#)
[475 Government Center](#)
[Boston, MA 02203](#)
[\(800-669-4000\)](#)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443

(203) 245-6341

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-51, Definitions
Connecticut Fair Employment Practices Act, Connecticut General Statutes
§ 46a-60
Connecticut General Statutes § 46a-81a, Sexual orientation discrimination:
Definitions
Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
Employment
[Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined](#)
Public Act No. 22-82, “An Act [Concerning Online Dating Operators, the
Creation of a Grant Program to Reduce Occurrences of Online
Abuse and the Provision of Domestic Violence Training and
Protections for Victims of Domestic Violence](#)”

Date Adopted: March 16, 2021
Date of Revision: October 12, 2021
First Reading: October 3, 2023

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (COMMUNITY MEMBERS)**

It is the policy of the Madison Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited, whether by students, Board employees, Board members or third parties subject to the control of the Board. Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment [Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:](#)

- [objectively offensive racial, ethnic, or religious epithets \(or epithets commonly associated with any Protected Class membership\);](#)
- [other words or phrases considered demeaning or degrading on the basis of Protected Class membership;](#)
- [display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;](#)
- [graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or](#)
- [physical, written, electronic or verbal threats based on Protected Class membership.](#)

[Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.](#)

[Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board’s complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Community.](#)

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, disability, or pregnancy, such complaints will be handled in accordance with the procedures set forth in other Board policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA (Personnel), and Policy #5200, Section 504/ADA) (Students)).

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such

complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class harassment or discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for District administrators and periodically distribute this policy and implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as an individual feels that they, or another individual has been subjected to Protected Class discrimination or harassment they should make a written complaint to the Superintendent, or designee.

Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment on the basis of sex, gender identity or expression, sexual orientation, or pregnancy, the Superintendent or designee shall follow the procedures identified in the appropriate Board policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel); Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment (Students); Policy #4118.14, Section 504/ADA (Personnel), and Policy #5200, Section 504/ADA) (Students)),
The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,

- 96 C. Date(s) of the alleged harassment/discrimination,
97
98 D. Name(s) of the harasser(s) or discriminator(s),
99
100 E. Location where such harassment/discrimination occurred,
101
102 F. Names of any witness(es) to the harassment/discrimination,
103
104 G. Detailed statement of the circumstances constituting the alleged
105 harassment/discrimination; and
106
107 H. Proposed remedy.
108

109 Any individual who makes an oral complaint of harassment or discrimination will be provided
110 a copy of this regulation and will be requested to make a written complaint pursuant to the
111 above procedure. If an individual is unable to make a written complaint, the employee
112 receiving the oral complaint will either reduce the complaint to writing or assist the individual
113 with completing the written complaint form.
114

115 All complaints received by employees are to be forwarded immediately to the Superintendent
116 or designee. Upon receipt of a complaint alleging harassment or discrimination under this
117 complaint procedure, the Superintendent or designee shall promptly investigate the complaint.
118 During the course of the investigation, the investigator shall interview or consult with all
119 individuals reasonably believed to have relevant information, including the complainant, the
120 reporter (if different from the complainant), the alleged harasser/discriminator (“respondent”)
121 and any witnesses to the conduct. Complaints will be investigated promptly within the time
122 frames identified below. Time frames may be extended as needed given the complexity of the
123 investigation, availability of individuals with relevant information and/or other extenuating
124 circumstances. Confidentiality will be maintained by all persons involved in the investigation
125 to the extent possible, as determined by the investigator.
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127 Upon receipt of a written complaint of discrimination or harassment, the investigator should:
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- 129 1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business
130 days (provided that such time frame may be reasonably extended based on the availability
131 of necessary witnesses and/or participants, the complexity of the investigation, and/or
132 other extenuating circumstances) to discuss the nature of the complaint, discuss the
133 availability of interim measures, identify individuals the complainant or respondent
134 believes has relevant information, and obtain any relevant documents the complainant or
135 respondent may have;
136
137 2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-
138 discrimination policy and accompanying regulations;
139
140
141 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual
142 basis for the complaint, including, as applicable, conducting interviews with the parties to

the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;

4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed time frames cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within

thirty (30) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to eliminate the discriminatory/harassing conduct, prevent its recurrence, and address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

- (a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian or supervisor notification, discipline, counseling, or training.
- (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
- (c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant.
- (d) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- (e) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

A complainant alleging discrimination or harassment may file a formal complaint with:

Boston Office, Office for Civil Rights
U.S. Department of Education
8th Floor, 5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111

A complainant may also file a complaint with the:
Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.,
Hartford, CT 06103-1835
(860) 541-3400

An employee alleging discrimination or harassment related to their employment may also file a complaint with:

Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203

(800) 669-4000

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

#4118.1

Non-Discrimination

The Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, or veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”) except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. [The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.](#)

[The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.](#)

[Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.](#)

I. Definitions:

[The following definitions apply for purposes of this policy:](#)

33
34 A. Discrimination

35 With respect to employees, it is illegal for employers to treat employees differently in
36 relation to hiring, discharging, compensating, or providing the terms, conditions, and
37 privileges of employment because of such employee's actual or perceived membership in a
38 Protected Class.

39
40 B. Harassment

41 Harassment is a form of Protected Class discrimination that is prohibited by law and by
42 this policy. Harassment is unwelcome conduct that is based on an employee's actual or
43 perceived membership in a Protected Class. Harassment constitutes unlawful
44 discrimination when 1) enduring the offensive conduct becomes a condition of continued
45 employment, or 2) the conduct is severe or pervasive enough to create a work environment
46 that a reasonable person would consider intimidating, hostile, or abusive.

47
48 Although not an exhaustive list, the following are examples of the types of conduct that
49 may be considered Protected Class harassment and can lead to an intimidating, hostile, or
50 abusive environment, and are therefore prohibited by this policy:

- 51
52 • objectively offensive racial, ethnic, or religious epithets (or epithets
53 commonly associated with any Protected Class membership);
54 • other words or phrases commonly considered demeaning or degrading on
55 the basis of Protected Class membership;
56 • display of images or symbols commonly associated with discrimination
57 against individuals on the basis of their membership in a Protected Class;
58 • graphic, written or electronic communications that are harmful or
59 humiliating based on Protected Class membership;
60 • physical, written, electronic or verbal threats based on Protected Class
61 membership.
62

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4116.1 Sex Discrimination and Sexual Harassment. For more information regarding harassment based on sex, sexual orientation, pregnancy, , or gender identity or expression, contact the District's Title IX Coordinator.

C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

A "veteran" is any person honorably discharged from, or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth,

which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

F. Race

The term race is inclusive of historically-associated ethnic traits, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including,

124 but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality
125 or threats to release sexual images.

126
127 **II. Reporting:**

128
129 It is the policy of the Board to provide for the prompt and equitable resolution of
130 complaints alleging Protected Class discrimination or harassment.

131
132 Any employee who believes an employee has experienced Protected Class discrimination
133 or harassment or an act of retaliation or reprisal in violation of this policy should report
134 such concern in writing in accordance with the Board's complaint procedures included in
135 the Board's Administrative Regulations Regarding Non-Discrimination/Personnel. These
136 regulations accompany Board Policy #4118.1 and are available online at
137 <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main
138 office of any district school.

139 Employees are encouraged to report incidents of alleged Protected Class discrimination,
140 harassment, or retaliation immediately.

141
142 If a complaint involves allegations of discrimination or harassment based on sex, gender
143 identity or expression, sexual orientation, or pregnancy, such complaints will be handled
144 under other appropriate policies (e.g., Policy #4116.1, Sex Discrimination and Sexual
145 Harassment and Policy #4118.14, Americans with Disabilities Act/Section 504).

146
147 In the event conduct reported as Protected Class discrimination and/or harassment
148 allegedly violates more than one policy, the Board will coordinate any investigation in
149 compliance with the applicable policies.

150
151 District employees are required to report incidents of alleged student-to-student and
152 employee-to-student discrimination, harassment or retaliation that may be based on a
153 Protected Class, when District employees witness or of which they have received reports or
154 information, whether such incidents are verbal or physical or amount to discrimination,
155 harassment or retaliation in other forms.

In addition to reporting to the Board, any employee also may file a complaint with the following:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identify or sexual orientation may contact the Board's Title IX Coordinator:

Director of Special Education

**10 Campus Drive
Madison, CT 06443
(203) 245-6341**

Anyone who has questions or concerns about the Board’s policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board’s Section 504/ADA Coordinator:

**Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341**

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008,
Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined

Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 10-153, Discrimination on the basis of sex,
gender indemnity or expression or marital status prohibited

Connecticut General Statutes § 27-103

[Connecticut General Statutes § 31-51i](#)

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes §
46a-60

[Connecticut General Statutes § 46a-80a](#)

Connecticut General Statutes § 46a-81a Sexual orientation discrimination:
Definitions

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
Employment-

[Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined](#)

Public Act No. 22-82, “An Act [Concerning Online Dating Operators, the
Creation of a Grant Program to Reduce Occurrences of Online](#)

[Abuse and the Provision of Domestic Violence Training and
Protections for Victims of Domestic Violence”](#)

Date Adopted: March 16, 2021
Date of Revision: October 12, 2021
First Reading: October 3, 2023

Regulation #4118.1
Non-Discrimination

The Madison Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class whether by students, Board employees, Board members or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board’s complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled, as appropriate, in accordance with other Board policies (e.g., Policy #4116.1 Sex Discrimination/Harassment (Personnel) and Policy #4118.14 Disabilities (Personnel)).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy #4118.14Section 504/ADA (Personnel)).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for District administrators and periodically distribute this policy and implementing administrative regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

Complaint Procedure

As soon as an individual feels that they, or another employee has been subjected to discrimination or harassment the individual should make a written complaint to the Superintendent or designee.

Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice-Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint is not satisfied with the findings and conclusions of the investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair, who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on

sex, gender identity or expression, sexual orientation, or pregnancy, the Superintendent or designee shall follow the procedures identified in Board Policy #4116.1 Sex Discrimination/Harassment (Personnel) and Policy #4118.14 Disabilities (Personnel)). In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy #4118.14 Americans With Disabilities Act/Section 504.

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing or assist the individual with completing the written complaint form.

All complaints received by staff members are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent or designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the “respondent”), and any witnesses to the conduct. Complaints will be investigated promptly within the time frames identified below. Time frames may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including, as applicable, conducting interviews with individuals with [the parties to the complaint and any relevant witnesses or other](#) information and review of documents deemed relevant to the complaint;
4. [Review any records, notes, statements, or other documents relevant to the complaint;](#)
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. [Complete a final investigation report that includes: \(i\) a findings of fact based on the evidence gathered; \(ii\) for each allegation, the conclusion\(s\) and reasoning\(s\) as to whether the discrimination or harassment occurred; and \(iii\) for any individual\(s\) found to have engaged in discrimination or harassment, a broad statement of consequences imposed \(to the extent permitted by state and federal confidentiality requirements\) \(i.e. "Consequences were imposed."\).](#)
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed time frames cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);

- 189 9. Whenever allegations are verified, ensure that appropriate corrective action is taken
190 (including, but not limited to, disciplinary action) aimed at preventing the recurrence of
191 the discrimination or harassment. Corrective action should include steps to avoid
192 continuing discrimination or harassment;
193
- 194 10. If a complainant or a respondent is not satisfied with the findings and conclusions of
195 the investigation, such party may present the complaint and written outcome to the
196 Superintendent within thirty (30) calendar days of receiving the findings. Upon review
197 of a written request from the party requesting an appeal, the Superintendent shall
198 review the investigative results of the investigator and determine if further action
199 and/or investigation is warranted. Such action may include consultation with a
200 designated investigator (if applicable), complainant, and respondent (if any) and
201 meeting with appropriate individuals to attempt to resolve the complaint, or a decision
202 affirming or overruling a designated investigator's conclusions or findings (if
203 applicable). The Superintendent shall provide written notice to the complainant and
204 respondent (if any) of the proposed actions within thirty (30) business days (provided
205 that such timeframe may be reasonably extended based on the availability of necessary
206 witnesses and/or participants, the complexity of the investigation, and/or other
207 extenuating circumstances) following the receipt of the written request for review.
208
209

210 If the District makes a finding of discrimination, harassment or retaliation, the District will take
211 appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2)
212 prevent its recurrence, and 3) address its effects on the complainant and any other affected
213 individuals. Examples of appropriate action may include:

- 214 (a) Interventions for the individual who engaged in the discrimination/harassment, such
215 as supervisor notification, discipline, or training.
216 (b) Follow-up inquiries with the complainant and witnesses to ensure that the
217 discriminatory/harassing conduct has stopped and that they have not experienced any
218 retaliation.
219 (c) Training or other interventions for the larger school community to ensure that
220 students, staff, and parents understand the types of behavior that constitute
221 discrimination/harassment, that the District does not tolerate it, and how to report it.
222

223 In addition to reporting to the Board, any employee also may file a complaint with the following:
224

225 Office for Civil Rights, Boston Office
226 U.S. Department of Education
227 8th Floor
228 5 Post Office Square
229 Boston, MA 02109- 3921
230 (617-289-0111)
231 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
232

233 Equal Employment Opportunity Commission:
234

235 Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

DISCRIMINATION/HARASSMENT COMPLAINT FORM

(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, , genetic information, veteran status, or status as a victim of domestic violence)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the alleged 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

Proposed remedy _____

#5020.1

Non-Discrimination

The Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

35 With respect to students, unlawful discrimination occurs when a student is denied
36 participation in, or the benefits of, a program or activity of the Board because of such
37 student's actual or perceived membership in a Protected Class.

38
39 B. Harassment:
40

41 Harassment is a form of Protected Class discrimination that is prohibited by law and by
42 this policy. Harassment constitutes unlawful discrimination when it creates a hostile
43 environment, which occurs when the harassment is sufficiently severe, pervasive, or
44 persistent so as to interfere with or limit a student's ability to participate in or benefit
45 from the services, activities, or opportunities offered by the District.

46
47 Although not an exhaustive list, the following are examples of the types of conduct that
48 may be considered Protected Class harassment and can lead to a hostile environment, and
49 are therefore prohibited by this policy:
50

- 51 • objectively offensive racial, ethnic, or religious epithets (or epithets
52 commonly associated with any Protected Class membership);
- 53 • other words or phrases commonly considered demeaning or degrading on
54 the basis of Protected Class membership;
- 55 • display of images or symbols commonly associated with discrimination
56 against individuals on the basis of their membership in a Protected Class;
- 57 • graphic, written or electronic communications that are harmful, or
58 humiliating based on Protected Class membership; or
- 59 • physical, written, electronic or verbal threats based on Protected Class
60 membership.

61
62 Harassment does not have to include intent to harm, be directed at a specific target, or
63 involve repeated incidents.
64

65 Sexual harassment is a form of harassment that is prohibited by law and Board Policy
66 5120.4.2.4 Title IX of the Education Amendments of 1972 – Prohibition of Sex

[Discrimination and Sexual Harassment. For more information regarding harassment based on](#) sex, sexual orientation, pregnancy, [or](#) gender identity or expression, [contact the District's Title IX Coordinator.](#)

C. Veteran:

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

E. Race

The term race is inclusive of historically-associated ethnic traits, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not

limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

F. Domestic Violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

II. Reporting:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5020.1 and are available online at <https://www.madison.k12.ct.us/board-of-education/policies> or upon request from the main office of any district school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, such complaints will be handled in accordance with procedures set forth in Board Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment. Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy #5200, Section 504/ADA. In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and staff-to-student discrimination, harassment or retaliation that may be based on a Protected Class that District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms.

Students found to have engaged in acts of discrimination or harassment that create a hostile environment based on a Protected Class may be disciplined, and such discipline may include, when circumstances warrant, suspension or expulsion.

District employees and administration will work with students and parents/guardians to prevent acts of discrimination, harassment and retaliation.

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

Office for Civil Rights, U.S. Department of Education (“OCR”):
Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322

Anyone who has questions or concerns about the Board’s policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board’s Title IX Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

Anyone who has questions or concerns about the Board’s policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or

discuss accommodations for a disability, may contact the Board’s Section 504/ADA Coordinator:

Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 10-15c
Connecticut General Statutes § 27-103
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut General Statutes § 46a-81a, et seq.
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 22-82, “An Act Concerning Online Dating Operators, the
Creation of a Grant Program to Reduce Occurrences of Online Abuse
and the Provision of Domestic Violence Training and Protections of
Victims of Domestic Violence”

Date Adopted: March 16, 2021
Date Revised: October 12, 2021
First Reading: October 3, 2023

Regulation #5020.1
Nondiscrimination

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (STUDENTS)**

The Madison Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board is prohibited. Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Although not an exhaustive list, the following are examples of the type of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students. If a complaint involves allegations of discrimination or harassment based on sex, gender identity or expression, sexual orientation, ~~or pregnancy~~, such complaints will be handled ~~under other appropriate policies (e.g., in accordance with the procedures set forth in Board~~ Policy # 5120.4.2.4. Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment. Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy # 5200, Section 504/ADA. (Students). In the event reported conducted allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class Discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for district administrators and periodically distribute this policy and the implementing administrative regulations to employees and students in an effort to maintain an environment free of harassment and discrimination.

78
79 Complaint Procedure
80

81 As soon as a student feels that they or another student has been subject to Protected Class
82 discrimination or harassment, the individual should make a written complaint to the
83 Superintendent or designee or to the building principal, or designee.
84

85 Complaints pertaining to the Superintendent should be filed with the Board Chair.
86 Complaints pertaining to any Board members other than the board chair should be filed
87 with the Board Vice Chair. In all cases, the individual receiving the complaint shall take
88 appropriate steps to cause the matter to be investigated in a manner consistent with the
89 Board's non-discrimination policy and regulation. If any party to the complaint involving
90 the Superintendent or a Board member is not satisfied with the findings and conclusions
91 of the investigation, within (30) calendar days of receiving the findings, such party may
92 present the complaint and written outcome to the Board Chair, who will take appropriate
93 steps, such as retaining an independent investigator different from the investigator who
94 investigated the complaint, to cause the matter to be reviewed in a manner consistent with
95 the Board's non-discrimination policy and regulation.
96

97 The student and/or parent/guardian will be provided a copy of the Board's policy and
98 regulation and made aware of the student's rights under this policy and regulation. In the
99 event the principal or designee receives a complaint alleging discrimination or harassment
100 based on sex, gender identity or expression, sexual orientation, or pregnancy, the
101 principal or designee shall follow the procedures identified in Policy 5020.4.2, Sex
102 Discrimination and Sexual Harassment (Students). If the complaint alleging
103 discrimination or harassment is based on disability, the Superintendent or designee shall
104 follow the procedures identified in Board Policy #5200, Section 504/ADA (Students).
105

106 The complaint should state the:

- 107 A. Name of the complainant,
108
109 B. Date of the complaint,
110
111 C. Date(s) of the alleged harassment/discrimination,
112
113 D. Name(s) of the harasser(s) or discriminator(s),
114
115 E. Location where such harassment/discrimination occurred,
116
117 F. Names of any witness(es) to the harassment/discrimination,
118
119 G. Detailed statement of the circumstances constituting the alleged
120 harassment/discrimination; and
121
122 H. Proposed remedy.
123

Any student and/or parent/guardian who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the individual alleged to have experienced Protected Class discrimination and/or harassment (the “complainant”), the alleged harasser/discriminator (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the time frames identified below. Time frames may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with principals of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant (and respondent, if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;

- 170 5. Maintain confidentiality to the extent practicable throughout the investigative
171 process, in accordance with state and federal law;
- 172
173 6. Complete a final investigation report that includes: (i) a findings of fact based
174 on the evidence gathered; (ii) for each allegation, the conclusion(s) and
175 reasoning(s) as to whether the discrimination or harassment occurred; and (iii)
176 for any individual(s) found to have engaged in discrimination or harassment, a
177 broad statement of consequences imposed (to the extent permitted by state and
178 federal confidentiality requirements) (i.e. “Consequences were imposed.”).
179
- 180 7. Communicate the outcome of the investigation in writing to the complainant
181 (and respondent, if applicable) (to the extent permitted by state and federal
182 confidentiality requirements), within thirty (30) business days (provided that
183 such time frame may be reasonably extended based on the availability of
184 necessary witnesses and/or participants, the complexity of the investigation,
185 and/or other extenuating circumstances) from the date the complaint was
186 received by the Superintendent’s office. The complainant (and respondent, if
187 applicable) shall be notified of any extension of the investigation timeline. The
188 written notice shall include a finding whether the complaint was substantiated
189 and if so, shall identify, to the extent possible, how the District will remedy the
190 discrimination or harassment, adhering to the requirements of state and federal
191 law;
192
- 193 8. If a complaint is made during summer recess, the complaint will be reviewed
194 and addressed as quickly as possible given the availability of employees and/or
195 other individuals who may have information relevant to the complaint. If fixed
196 time frames cannot be met, the complainant (and respondent, if applicable) will
197 receive notice and interim measures may be implemented as necessary (see sub-
198 paragraph 6);
199
- 200 9. Whenever allegations are verified, ensure that appropriate corrective action is
201 taken (including, but not limited to, disciplinary action) aimed at preventing the
202 recurrence of the discrimination or harassment. Corrective action should
203 include steps designed to avoid continuing discrimination or harassment;
204
- 205 10. If a complainant or respondents not satisfied with the findings and conclusions
206 of the investigation, the complainant (and/or respondent, if applicable) may
207 present the complaint and written outcome to the Superintendent within thirty
208 (30) calendar days of receiving the findings. Upon review of a written request
209 from the complainant (and/or respondent, if applicable), the Superintendent
210 shall review the investigative results of the investigator and determine if further
211 action and/or investigation is warranted. Such action may include consultation
212 with the investigator and complainant (and/or respondent, if applicable), a
213 meeting with appropriate individuals to attempt to resolve the complaint, or a
214 decision affirming or overruling the investigator’s conclusions or findings. The
215 Superintendent shall provide written notice to the complainant (and respondent,
216 if applicable) of the proposed actions within thirty (30) business days (provided

that such time frame may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

- (a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian notification, discipline, or counseling.
- (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
- (c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant.
- (d) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- (e) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square

Boston, MA 02109- 3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations,

and/or who may wish to request or discuss accommodations based on religion, may contact:

**Office of the Superintendent
10 Campus Drive
Madison, CT 06443
(203) 245-6322**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

**Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341**

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

**Director of Special Education
10 Campus Drive
Madison, CT 06443
(203) 245-6341**

DISCRIMINATION/HARASSMENT COMPLAINT FORM

**(For complaints based on race, color, religion, age, marital status, national origin,
alienage, ancestry, veteran status, or status as a victim of domestic violence)**

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 _____

Proposed remedy _____

#4030.5

Family and Medical Leave

PURPOSE

The purpose of this policy is to apprise employees of their rights, and establish guidelines for leaves taken by employees of the Madison Board of Education (the “Board”), under the federal Family and Medical Leave Act of 1993 (“FMLA”) and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

ELIGIBILITY

Employees other than school paraprofessionals who have been employed by the Board for at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

A school paraprofessional in an educational setting is eligible for the leave described in this policy if the paraprofessional has worked for the Board for at least twelve (12) months, and has worked at least 950 service hours during the twelve (12) months immediately preceding the start of such leave.

Full-time instructional employees meet the 1,250 hours of service requirement unless the Board can demonstrate that the full-time instructional employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

DEFINITIONS

Genetic information: For purposes of this policy, “genetic information” includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Instructional employee: For purposes of this policy, an “instructional employee” is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Paraprofessional: For purposes of this policy, a “paraprofessional” means a school employee who performs duties that are instructional in nature or deliver either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. This definition is only used for the purpose of calculating eligibility for the leave described in this policy at the 950 hour threshold.

REASONS FOR LEAVE

Leaves under the FMLA and applicable state law may be taken for the following reasons:

- incapacity due to pregnancy, prenatal medical care or child birth; or
- to care for the employee's newborn child; or
- the placement of a child with the employee by adoption or for foster care; or
- to care for the employee's spouse, child or parent who has a serious health condition; or
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee’s position; or
- to serve as an organ or bone marrow donor; or
- to care for an injured or ill servicemember (see below – Length of Leave – for further information); or
- a qualifying exigency arising out of a family member’s military service, including one or more of the following reasons (note – more detailed information on the following categories is available from the Human Resources office):
 - short-notice deployment;
 - military events and related activities;
 - childcare and school activities;
 - financial and legal arrangements;
 - counseling;
 - rest and recuperation;

- post-deployment activities;
- parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

LENGTH OF LEAVE

(a) Basic FMLA Leave Entitlement

If a leave is requested for one of the above-listed reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month entitlement period.

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

(b) Leave to Care for an Injured or Ill Servicemember

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12-month period to care for (i) a servicemember who is the employee's spouse, parent, child or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or (ii) a covered veteran with a serious injury or illness who is the employee's spouse, parent, child or next of kin.

For servicemembers, the injury or illness must render the servicemember medically unable to perform the duties of office, grade, rank or rating. This provision applies to servicemembers who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who are on the temporary disability retired list, for a serious injury or illness.

For covered veterans, the veteran must be undergoing medical treatment, recuperation or therapy for a serious injury or illness and must have been (1) a member of the Armed Forces (including the National Guard or Reserves); (2) discharged or released under conditions that were other than dishonorable; and (3) discharged within the five-year

period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.¹

For covered veterans, serious injury or illness means any of the following:

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When combined with any other type of FMLA qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for a servicemember with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

TYPES OF LEAVE AND CONDITIONS

(a) Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA.

Intermittent leave means leave taken due to a single qualifying reason in separate periods of time rather than for one continuous period of time. Examples of intermittent leave

¹ The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12-month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009 and March 8, 2013. This period will effectively be excluded from the five-year calculation.

179 include: leave taken one day per week over a period of a few months; or leave taken on
180 an occasional/as-needed basis for medical appointments.

181
182 Reduced schedule leave is leave that reduces the employee's usual number of work hours
183 per day for some period of time. For example, an employee may request half-time work
184 for a number of weeks so the employee can assist in the care of a seriously ill parent.

185
186 Intermittent or reduced schedule leave may be taken (a) when medically necessary for an
187 employee's or covered family member's serious health condition, or for a covered service
188 member's serious illness or injury, and (b) the need for leave can be best accommodated
189 through an intermittent or reduced schedule leave. In addition, FMLA leave may be
190 taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency; or
191 (2) to effectuate the placement of a child for adoption or foster care before the placement
192 of the child in the home.

193
194 If foreseeable intermittent or reduced schedule leave is medically required based upon
195 planned medical treatment of the employee or a family member or a covered service
196 member, including during a period of recovery from an employee's or family member's
197 serious health condition or a serious injury or illness of a covered service member, the
198 Board may, in its sole discretion, temporarily transfer the employee to another job with
199 equivalent pay and benefits that better accommodates the type of leave requested. Also,
200 special arrangements may be required of an instructional employee who needs to take
201 intermittent or reduced-schedule leave which will involve absence for more than twenty
202 (20) percent of the work days in the period over which the leave will extend (for
203 example, more than five days over a five-week period), if the leave is to care for a family
204 member with a serious health condition, to care for a covered service member with a
205 serious injury or illness, or for the employee's own serious health condition, which is
206 foreseeable based on planned medical treatment. In such situations, the Board may
207 require the instructional employee to transfer temporarily to another job or take leave for
208 a particular duration, not to exceed the duration of the planned medical treatment.

209
210 (b) Both Spouses Working for the Same Employer

211
212 If both spouses are eligible employees of the Board and request leave for the birth,
213 placement of a child by adoption or for foster care, or to care for a parent with a serious
214 health condition, they only will be entitled to a maximum combined total leave equal to
215 twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a
216 portion of the total 12-week entitlement for one of the purposes in the preceding
217 sentence, each is entitled to the difference between the amount the employee has taken
218 individually and the 12 weeks for FMLA leave for their own or their spouse's serious
219 health condition in the 12-month entitlement periods.

220
221 (c) Leave Taken by Instructional Employees Near the End of
222 an Academic Term
223

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that instructional employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee would return to work during the three-week period before the end of the term.

If the instructional employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

REQUESTS FOR LEAVE

(a) Foreseeable Leave

An employee must notify the Human Resources Department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

(b) Qualifying Exigency.

An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

(c) Unforeseeable Leave.

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

SCHEDULING PLANNED MEDICAL TREATMENT

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the Human Resources Department and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the Human Resources Department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

REQUIRED CERTIFICATIONS/DOCUMENTATION

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The appropriate form will be provided to the employee. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the Human Resources Department of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the Human Resources Department. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as

specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

USE OF PAID LEAVE

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

MEDICAL INSURANCE AND OTHER BENEFITS

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

ADDITIONAL INFORMATION

Questions regarding family or medical leave may be directed to the Superintendent or designee. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state

law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

First Reading: October 3, 2023

#4030.5
Family and Medical Leave

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. The Superintendent shall develop appropriate procedures to implement the Act.

(cf. 4118.14 - Disabilities)

Legal Reference:

P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization act for Fiscal Year 2010, Public Law 111-84, section 565, Title V

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Final Rule - published in Federal Register, Vol. 78, Wed. February 6, 2013

Final Rule - published in Federal Register, Vol. 80, No. 37 Wednesday, February 25, 2015

Connecticut General Statutes:

46b-380o Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees

PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees

United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)

Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

Date of Adoption: September 5, 1995

Date of Revision: October 3, 2006

Date of Revision: October 3, 2017

#4160

Student-Activity / Transportation Vehicles

Employees should use contracted transportation for all school sponsored events and activities to transport students. Thus, the use of privately-owned vehicles for District business should be kept to a minimum, and such vehicles should only be used when absolutely necessary. In the event that contracted transportation is unavailable for transporting students to a school activity, an employee may use their privately owned vehicle if the following requirements are satisfied:

1.The employee applies in writing and receives in advance written permission from the Superintendent or Superintendent's designee;

2. The employee possesses a valid automobile insurance policy with active liability coverage meeting or exceeding the minimum coverage requirements under Connecticut law, which policy will be in effect at the time of the travel, provides a copy of such policy to the Superintendent or the Superintendent's designee at the time the employee applies in writing, and maintains the policy in effect through the permitted transport;

3. In accordance with Connecticut laws, the employee possesses a valid Connecticut driver's license, commercial or class D, with the appropriate endorsements and provides a copy of such license to the Superintendent or Superintendent's designee at the time the employee applies in writing;

4. The employee agrees to maintain their privately owned vehicle in a safe operating condition;

5. The employee agrees to follow all federal and state laws and regulations regarding the operation of motor vehicles, as well as all Board of Education policies;

6. The employee agrees to defend, indemnify, and hold harmless the Madison Board of Education and its agents, servants or employees from any and all claims, suits or demands by anyone arising from said employee's use of their privately owned vehicle for district business.

Employees who do not satisfy the above requirements are prohibited from transporting students to and/or from school sponsored events and activities in privately owned vehicles.

Date of Adoption: April 1, 2008

First Reading: October 3, 2023

#4111.1

Security Check / Fingerprinting
(formerly Reference Checks)

As set forth below, each applicant for a position with the district, and each student who is enrolled in a teacher preparation program with the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience in the District (collectively referred to as “applicants”), shall be asked to provide in writing: (1) whether the applicant has ever been convicted of a crime; (2) whether there are any criminal charges pending against the applicant at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”). If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether the applicant is included on an equivalent database and/or abuse/neglect registry maintained in that other state.

Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. An employment application form that contains any question concerning the criminal history of the applicant shall contain the following notice, in clear and conspicuous language:

Pursuant to section 31-51i(d) of the Connecticut General Statutes, the applicant is hereby notified that (1) the applicant is not required to disclose the existence of any erased criminal history record information, (2) erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

40 In addition, the district shall conduct an employment history check for each applicant for
41 a position, as set forth below.

42
43 For the purposes of this policy:
44

45 “**Sexual misconduct**” means any verbal, nonverbal, written, or electronic
46 communication, or any other act directed toward or with a student that is designed to
47 establish a sexual relationship with the student, including a sexual invitation, dating or
48 soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-
49 disclosure or physical exposure of a sexual or erotic nature, and any other sexual,
50 indecent, or erotic contact with a student.

51
52 “**Abuse or neglect**” means abuse or neglect as described in Conn. Gen. Stat. § 46b-120,
53 and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first
54 degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in
55 the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault
56 in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

57
58 “**Former employer**” means any person, firm, business, educational institution, nonprofit
59 agency, corporation, limited liability company, the state, any political subdivision of the
60 state, any governmental agency, or any other entity that such applicant was employed by
61 during any of the previous twenty years prior to applying for a position with a local or
62 regional board of education.

63
64 I. Employment History Check Procedures
65

66 A. The District shall not offer employment to an applicant for a position, including
67 any position that is contracted for, if such applicant would have direct student
68 contact, prior to the District:

69 1. Requiring the applicant:
70

71 a. to list the name, address, and telephone number of each current employer
72 or former employer (please note the definition of “former employer”
73 above, including the applicable twenty year reporting period) during any of
74 the previous twenty years, if:

75
76 (i) such current or former employer is/was a local or regional board of
77 education, council of a state or local charter school, interdistrict
78 magnet school operator, or a supervisory agent of a nonpublic school,
79 and/or

80
81 (ii) the applicant’s employment with such current or former employer
82 caused the applicant to have contact with children.

83
84 b. to submit a written authorization that

85
86 (i) consents to and authorizes disclosure by the employers listed under
87 paragraph I.A.1.a of this policy of the information requested under
88 paragraph I.A.2 of this policy and the release of related records by
89 such employers,

90
91 (ii) consents to and authorizes disclosure by the Connecticut State
92 Department of Education (the “Department”) of the information
93 requested under paragraph I.A.3 of this policy and the release of
94 related records by the Department, and

95
96 (iii) releases those employers and the Department from liability that may
97 arise from such disclosure or release of records pursuant to
98 paragraphs I.A.2 or I.A.3 of this policy; and

99
100 c. to submit a written statement of whether the applicant
101

(i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated,

(ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or

(iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;

2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department, which shall request the following:

a. the dates employment of the applicant, and

b. a statement as to whether the employer has knowledge that the applicant:

(i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any

134 employer, state agency, or municipal police department or which has
135 been substantiated;

136
137 (ii) was disciplined or asked to resign from employment or resigned from
138 or otherwise separated from any employment while an allegation of
139 abuse or neglect or sexual misconduct was pending or under
140 investigation, or due to a substantiation of abuse or neglect or sexual
141 misconduct; or

142
143 (iii) has ever had a professional or occupational license, certificate,
144 authorization or permit suspended or revoked or has ever surrendered
145 such a license, certificate, authorization or permit while an allegation
146 of abuse or neglect or sexual misconduct was pending or under
147 investigation, or due to a substantiation of abuse or neglect or sexual
148 misconduct. Such review may be conducted telephonically or through
149 written communication. Notwithstanding the provisions of
150 subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5)
151 business days after the District receives a request for such information
152 about an employee or former employee, the District shall respond
153 with such information. The District may request more information
154 concerning any response made by a current or former employer for
155 information about an applicant, and, notwithstanding subsection (f),
156 such employer shall respond not later than five (5) business days after
157 receiving such request.

158
159 3. Requesting information from the Department concerning:

160
161 a. the eligibility status for employment of any applicant for a position
162 requiring a certificate, authorization or permit,

163
164 b. whether the Department has knowledge that a finding has been
165 substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or

neglect or of sexual misconduct against the applicant and any information concerning such a finding, and

- c. whether the Department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the District receives information that an applicant for a position with or an employee of the District has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of such information.

C. The District shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

D. The District may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the District's review of information received under this section, provided:

1. The applicant complied with paragraph I.A.1 of this policy;
2. The District has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the District; and
3. The applicant affirms that the applicant is not disqualified from employment with the District.

E. The District shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
2. Affects the ability of the District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
3. Requires the District to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the District, unless, after investigation, such allegation is dismissed or found to be false.

F. The District shall not offer employment to a person as a substitute teacher, unless such person and the District comply with the provisions of paragraph I.A.1 of this policy. The District shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The District shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the District as a substitute teacher as described in paragraph III.B.2 of this policy, provided the District does not have any knowledge of a reason that such person should be removed from such list.

G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator,

or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

H. Any applicant/employee who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the District that may include

1. denial of employment, or
2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151, or
3. termination of a non-certified employee in accordance with applicable law and/or any applicable collective bargaining agreement, contract or District policy.

- I. If the District provides information in accordance with paragraph I.A.2 or I.G of this policy, the District shall be immune from criminal and civil liability, provided the District did not knowingly supply false information.
- J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the District has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.
- K. Prior to offering employment to an applicant, the District shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant’s fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.
- L. The District shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen.

Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the District, and before a student who is enrolled in a teacher preparation program in the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience, the District shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the District shall request that the applicant provide the District with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the District to access such information shall be considered grounds for rejecting any applicant for employment.

The District shall request information from the Registry (or its out of state equivalent) promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

A. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, (or its out of state equivalent when available), for obtaining information from the Registry.

B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF (or its out of state equivalent), with a copy to the Superintendent or designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.

C. Upon receipt of Registry (or out-of-state registry) information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

D. If notification is received by the Superintendent or the Superintendent's designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if the applicant has already commenced working for the District.

III. Criminal Records Check Procedure

A. Each person hired by the District shall be required to submit to state and national criminal records checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, shall be required to submit to state

and national criminal records checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure, except as noted in paragraph III.C. of this policy.

1. No later than five (5) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the any State of Connecticut law enforcement agency. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal records checks. The Superintendent or Superintendent's designee will also provide each applicant with the following notifications before the applicant obtains the applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.
2. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the any State of CT law enforcement agency. Failure of the applicant to have the applicant's fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal records checks. Fees and costs associated with the

fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.

4. Upon receipt of a criminal records check indicating a previously undisclosed conviction, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal records check. The affected applicant/employee may notify the Superintendent or Superintendent's designee in writing within five (5) calendar days that the affected/employee will challenge such individuals criminal history records check. Upon written notification to the Superintendent or Superintendent's designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or Superintendent's designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or Superintendent's designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this policy, above.

B. Criminal Records Check for Substitute Teachers

A substitute teacher who is hired by the District must submit to state and national criminal history records checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history records checks for a substitute teacher have been completed within one year prior to the date the District hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history records checks to be forwarded to the Superintendent or Superintendent's designee, then the substitute teacher will not be required to submit to another criminal history records check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history records checks upon being hired by the District, then the substitute teacher will not be required to submit to another criminal history records check so long as the substitute teacher is continuously employed by the District, that is, employed for at least one day of each school year, by the District, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

District personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the school District.

V. Credit Checks

The District may also ask a prospective employee for a credit report for employment for certain District positions, where the District's receipt of a credit report is substantially related to the employee's potential job. "Substantially related to the current or potential job" is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because of the position." Prior to asking for a credit report, the District will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the District; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the District, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or District debit or credit card; or (5) involve access to the District's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the District will provide written notification to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the District may use the information in the consumer credit report to make decisions related to the individual's employment.

The District will obtain consent before performing the credit or other background checks. If the District intends to take an action adverse to a potential employee based on the results of a credit report, the District must provide the prospective employee with a copy of the report on which the District relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The District will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on

the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the District's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

495
496 VI. Notice of Conviction
497

498 If, at any time, the District receives notice of a conviction of a crime by a person
499 holding a certificate, authorization or permit issued by the State Board of
500 Education, the District shall send such notice to the State Board of Education. In
501 complying with this requirement, the District shall not disseminate the results of
502 any national criminal history records check.
503

504 VII. School Nurses
505

506 School nurses or nurse practitioners appointed by, or under contract with, the
507 District shall also be required to submit to a criminal history records check in
508 accordance with the procedures outlined above.
509

510 VIII. Personal Online Accounts
511

512 For purposes of this policy, “personal online account” means any online account
513 that is used by an employee or applicant exclusively for personal purposes and
514 unrelated to any business purpose of the District, including, but not limited to,
515 electronic mail, social media and retail-based Internet web sites. “Personal online
516 account” does not include any account created, maintained, used or accessed by an
517 employee or applicant for a business purpose of the District.
518

519 A. During the course of an employment check, the District may not:
520

- 521 1. request or require that an applicant provide the District with a user
522 name and password, password or any other authentication means
523 for accessing a personal online account;
524
- 525 2. request or require that an applicant authenticate or access a
526 personal online account in the presence of District personnel; or

- 527
- 528 3. require that an applicant invite a supervisor employed by the
- 529 District or accept an invitation from a supervisor employed by the
- 530 District to join a group affiliated with any personal online account
- 531 of the applicant.
- 532

533 B. The District may request or require that an applicant provide the District

534 with a user name and password, password or any other authentication

535 means for accessing:

536

- 537 1. any account or service provided by District or by virtue of the
- 538 applicant's employment relationship with the District or that the
- 539 applicant uses for the District's business purposes, or
- 540

- 541 2. any electronic communications device supplied or paid for, in
- 542 whole or in part, by the District.
- 543

544 C. In accordance with applicable law, the District maintains the right to

545 require an applicant to allow the District to access the applicant's personal

546 online account, without disclosing the user name and password, password

547 or other authentication means for accessing such personal online account,

548 for the purpose of:

549

- 550 1. conducting an investigation for the purpose of ensuring compliance
- 551 with applicable state or federal laws, regulatory requirements or
- 552 prohibitions against work-related employee misconduct based on
- 553 the receipt of specific information about activity on an applicant's
- 554 personal online account; or
- 555

- 556 2. conducting an investigation based on the receipt of specific
- 557 information about an applicant's unauthorized transfer of the
- 558 District's proprietary information, confidential information or

financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Certain Individuals

This policy shall not apply to:

- A. A student employed by the District who attends a District school.
- B. A person employed by the District as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for such position.

X. Falsification of Records

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act 19-91, "An Act Concerning Various Revisions and Additions to the Education Statutes."

594 Elementary and Secondary Education Act, reauthorized as the
595 Every Student Succeeds Act, Pub. L. 114-95, codified at 20
596 U.S.C. § 1001 *et seq.*

597
598 Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*
599

600 Date of Adoption: September 22, 2020

601

602 First Reading: October 3, 2023

Purpose

It is the policy of the Madison Board of Education (the “Board”) to recruit and hire qualified applicants for employment within the Madison Public Schools (the “District”), while avoiding both nepotism and the appearance of nepotism.

Definitions

“**Immediate family**” means a spouse, child, parent, sister, brother, half-sister or half-brother.

“**Relative**” means a sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-in-law, son-in-law, step parent, aunt, uncle, niece, nephew, first cousin, grandparent, step child, foster child, grandchild or individual living in the same household.

“**Familial relationship**” means a relationship between a member of one’s immediate family or a relative, as defined within this policy.

Prohibitions on Hiring

No relative or immediate family member of the Superintendent of Schools (“Superintendent”) shall be hired to any position of employment.

No immediate family member of a Board member or any other district-level administrator shall be hired to any position of employment.

Restrictions on Employment of Relatives

No individuals shall be hired in a position of employment that would result in a supervisory or evaluative relationship between a current employee and a relative.

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring of his or her relatives.

Employees will not be hired, promoted, transferred or assigned to work in positions in the same school or work unit or department in which a relative is already employed, unless the Superintendent approves such an assignment in writing.

No administrator or supervisor shall supervise any of his or her relatives.

46 Employees will not be hired, promoted, transferred or assigned to work in positions in
47 which they will have access to confidential information regarding a relative, such as, but
48 not limited to, information regarding benefits selections, confidential medical information
49 or personnel records that are not subject to public disclosure.

50
51 No individuals shall be hired in a position of employment that would result in a
52 supervisory or evaluative relationship between a current employee and a relative.

53
54
55 ***Restrictions on Employment of Immediate Family Members***

56
57 No employee may be involved in the process of screening for advancement in the
58 application process, interviewing or hiring of an immediate family member.

59
60 Employees will not be hired, promoted, transferred or assigned to work in positions in the
61 same school or work unit or department in which an immediate family member is already
62 employed, unless the Superintendent approves such an assignment in writing.

63
64 No person who is a member of the immediate family of a building administrator or
65 department supervisor may be nominated for or transferred or otherwise assigned to any
66 position within that administrator's building or supervisor's department. No administrator
67 or supervisor shall supervise any member of his or her immediate family.

68
69 Employees will not be hired, promoted, transferred or assigned to work in positions in
70 which they will have access to confidential information regarding an immediate family
71 member, such as, but not limited to, information regarding benefits selections,
72 confidential medical information or personnel records that are not subject to public
73 disclosure.

74
75
76 ***Disclosure Requirements***

77
78 A Board member or administrator who has an existing familial relationship with an
79 employee, as defined above, or who has had a change in circumstances which creates a
80 familial relationship with any employee of the District, shall declare such relationship to the
81 Superintendent or Chair of the Board immediately.

82
83 If a change in circumstances creates a familial relationship between an employee and his
84 or her supervisor, the Board, through its Superintendent, reserves the right to seek a
85 transfer of any employee in order to resolve any concerns about the operations of the
86 district with respect to nepotism or the appearance of nepotism. The Superintendent may
87 also provide for the evaluation and/or supervision of the employee outside of the typical
88 chain of command in order to resolve any concerns about nepotism or the appearance of
89 nepotism.

91 A Board member or administrator who knows that his or her relative or immediate family
92 member has applied for a position with the District shall declare such relationship to the
93 Superintendent or the Chair of the Board as soon practicable.

94
95 In addition to the requirements set forth above regarding familial relationships, if a
96 romantic relationship develops between an employee and (1) an administrator who has a
97 supervisory or evaluative relationship with the employee, or (2) a member of the Board,
98 the affected administrator or member of the Board shall declare such relationship to the
99 Superintendent.

100
101 ***Recusal***

102
103 A member of the Board should not vote on any action of the Board that will directly
104 affect a relative or member of his or her immediate family.

105
106 ***Discharge and Denial of Re-Employment***

107
108 No current employee will be discharged or denied re-employment pursuant to an
109 applicable recall provision based on this policy.

110
111
112
113 First Reading: October 3, 2023

#4112.8 / 4212.8**Nepotism: Employment of Relatives**

The Board of Education shall not appoint any person to any full-time, part-time, or temporary position that is in a line relationship or involves direct supervision over or by that person's relative by blood, marriage, civil union, or law. The term "marriage" includes a same-sex marriage that is legally recognized in Connecticut.

The degrees of relationship included in the above restrictions are as follows:

By Blood: parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union, same-sex marriage.

Members of the same family, not in the same line of supervision, may be employed at the same department or work location when approved in writing by the Superintendent or Superintendent's designee.

It is the intent of this policy to avoid any situation in which a conflict of interest may arise on the part of an employee and / or a member of the administrative staff.

(cf 4118.13 Conflict of Interest)

Legal Reference:**Connecticut General Statutes**

7-479 Conflicts of Interest

P.A. 05-10 An Act Concerning Civil Unions

46b-38nn Equality of benefits, protections and responsibilities (civil unions)

46b-38oo Applicability of statutes to civil unions and parties to a civil union

United States vs. Windsor, U.S. 133 S.Ct. 2675 (2013)

Date of Adoption: June 15, 1999

Date of Revision: May 2, 2006

Date of Revision: May 3, 2016