

Policy Committee Meeting

Tuesday, September 19, 2023 6:30 PM

Town Campus Hammonasset Room/Zoom, 10 Campus Drive , Madison, CT 06443

I. Policies for Rescission

- 9220.6 - Board Candidates
- 9500 - School Board Meetings
- 9540.4 - Rules of Order
- 9400 - Organization of the School Board
- 9410 - Board Organizational Meeting

II. Polices for Review:

- 1370 - Non-Discrimination
- 4118.1 - Non-Discrimination
- 5020.1 - Non-Discrimination
- 4030.5 - FMLA
- 4160 - Student Activity/Transportation Vehicles
- 4111.1 - Security Check/Fingerprinting
- 4112.8/4212.8 - Nepotism
- 9710 School District logo and or motto
- 9720 Guidelines for use of District Logo/ Board Members' Names

III. Public Comment

- IV. The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting the Town ADA/Human Resources Director, Debra Ferrante, at 203-245-6310 or by email at ferranted@madisonct.org at least five (5) business days prior to the meeting.**

September Policy Summary

Rescission

9220.6 Board Candidates

This bylaw is not required and we recommend repeal. If the Board wishes to maintain the bylaw, we recommend revision to remove the section concerning candidates for the Board, as the Board does not have the authority to dictate requirements for potential Board members and most if not all of the information included in this section is readily available on the Board's website. We further recommend that the Board review the section concerning newly elected Board members to ensure that this process continues to be applicable.

9500 School Board Meetings

We recommend repeal and replacement with our model bylaw, Meeting Conduct. If the Board wishes to retain this bylaw, we recommend further legal review to address issues such as abstention (in accordance with Robert's Rules) and complaints against employees (which, at an employee's election, must be held in open session).

**Meeting Conduct (9540.10) was approved on June 20*

9540.4 Rules of Order

To the extent this bylaw requires the Board to comply with Robert's Rules of Order, this requirement is addressed in our model bylaw, Meeting Conduct, recommended for adoption above.

**Meeting Conduct (9540.10) was approved on June 20*

9400 Organization of the School Board

We recommend repeal of this bylaw and adoption of the model bylaw Officers, and bylaws Official Duties for Chairperson, Vice Chairperson and Secretary. This bylaw is also duplicative of the Vacancies bylaw, which could cause confusion.

**Both Officers (9420) and Vacancies (9220.3 Filling Vacancies on the Board) were adopted at the Aug 22 BOE meeting*

9410 Board Organizational Meeting

We recommend repeal of this bylaw and replacement with the model bylaw Officers, for consistency.

**Officers was adopted at the BOE Aug 22 meeting*

Review

Non-Discrimination (1370, 4118.1, 5020.1) – (S&G technical revisions)

We have revised this policy to add definitions of discrimination and harassment and include examples of the types of conduct that may be considered Protective Class harassment prohibited by the policy. While not required by law, these revisions are designed to provide guidance to districts in determining whether conduct in question constitutes discrimination or harassment. Further, in 2022, Public Act 22-82 added domestic violence victims as a protected class under Connecticut's anti-discrimination laws. We have revised the policy to reflect this new protected class and to include the definition of "domestic violence victim." We have also made additional revisions to clarify that parent/guardians, staff members, and other students may report discrimination or harassment on behalf of a student. In addition, effective January 1, 2023, it became an unlawful discriminatory practice for an employer to make decisions based on an employee's or job applicant's erased criminal record and we have added language reflecting this new prohibition. We have also updated the regulations and the complaint procedures consistent with a recently issued resolution from the U.S. Department of Education Office of Civil regarding a school district's obligations to ensure that students are not subjected to a hostile environment on the basis of a protected class. Finally, we have made numerous technical revisions for clarity.

4030.5 – FMLA

Recommend repealing this policy and adopting the S&G model FMLA policy, for consistency. Further recommend review or repealing any existing administrative regulations at the same time because the S&G model covers all aspects of FMLA requirements.

4160 - Student Activity/Transportation Vehicles

Recommend that the Board review this policy to determine if it is currently followed in the manner prescribed. If the Board wishes to maintain the policy, we recommend legal review to ensure that all DMV laws and regulations are addressed. Policy has been reviewed by the administration.

4111.1 – Security Check/Fingerprinting (S&G technical revision, waive second reading?)

State law prohibits employers from requiring applicants and employees to disclose the existence of erased criminal history information. Effective January 1, 2023, the definition of erased records has been expanded. In addition, Connecticut General Statutes Section 31-51i now requires that employment applications that contain a question concerning the criminal history of the applicant also contain a specific notice in "clear and conspicuous language." We have revised our model policy to identify this notice requirement and to include the required notice language. We have also made revisions to reflect gender neutral language and other technical edits.

4112.8/4212.8 – Nepotism

Recommend that the Board consider repealing this policy and replacing it with the S&G model policy Nepotism, for consistency.

9710 School District logo and or motto & 9720 Guidelines for use of District Logo/ Board Members' Names

A draft policy has been presented for consideration. Shipman initially shared that a policy is not necessary but took greater issue with policy 9720 starting, “This bylaw is not required and we recommend repeal. In addition, the bylaw addresses duties of the Superintendent, rather than the Board, and the topic is not appropriate for a bylaw. In addition, the equal opportunity statement listed in the bylaw should be revised to reflect all protected classes and not refer to affirmative action, which is separate and distinct from equal educational opportunity.”

**#9220.6
Board Candidates**

Membership and service on a school board is considered to be one of the highest acts of citizenship in our American democracy. It offers qualified citizens an opportunity to promote the interests of education and thereby the welfare of the community and the nation.

Therefore, the Board considers it important that a new member be knowledgeable about school governance and operations and prepared to discuss and cast informed votes on matters before the Board from the time he or she is sworn into office.

All declared candidates will be urged to attend, and will be welcomed at, public meetings of the Board during the period of candidacy. All public information about the school district will be made easily available to them.

The Superintendent will cooperate impartially with candidates in providing information about school governance, Board operations, and school programs. This cooperation may include:

- notification of public meetings of the Board, with the agenda provided;
- meetings with candidates to provide information on the school system and school Board services;
- providing candidates with published information on the duties and responsibilities of school Boards and Board members;
- making arrangements for the candidate to review the current policies of the Board, district regulations, and publications of the school system; and
- past copies of Board agendas, including minutes and other reports and bulletins of recent origin.

The Board and its staff will seek to be impartial as it offers orientation for Board candidates. It expects candidates to recognize that until and unless they are elected, their

9220.6 (Continued)

official status is that of other members of the public and that they are not entitled to privileged information which is properly discussed in executive sessions.

Newly-elected Board Members

The magnitude of school Board membership calls for knowledge of, and orientation to, many areas of information and understanding. Under the guidance of experienced Board members and the Superintendent, orientation will be provided to the new Board members immediately upon election, through the following methods:

- The electee will be invited to meet with the Superintendent and other administrative personnel to discuss school governance, board operations, and school programs.
- The electee will be invited to attend Board meetings and to participate in discussion. The clerk will supply materials pertinent to meetings and will explain their use.
- The clerk will give the new member a copy of the Board's policies and bylaws.
- It is strongly recommended and suggested that newly-elected Board members attend:
 - the annual conference for new board members sponsored by the Connecticut Association of Boards of Education (assuming the Board's membership in this association); and
 - local, state, and national school board meetings during their tenure to stay abreast of current educational issues.

Orientation will be considered as an ongoing process for all Board members, and may include such activities as those indicated above and the addition of items such as attendance at school board and administrative conferences, and conventions on a local, area, state, and national basis.

Date of Adoption: 3/7/95

**#9500
School Board Meetings**

Except as otherwise provided by the Connecticut General Statutes, meetings of the Board of Education shall be conducted in accordance with Robert's Rules of Order, Revised, in a manner consistent with the bylaws of the Board.

In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting. In the absence of both of these officers, the Secretary shall preside over the meeting. In the absence of all officers, the Board shall choose a Chairperson *pro tempore* for the purpose of conducting a meeting.

All Board meetings shall commence at the stated time and shall be guided by an agenda which has been prepared and delivered in advance to all Board members as designated by the bylaws.

When a question is submitted to vote, every member present shall vote upon it. If a member has a conflict of interest in the issue, he / she shall identify the conflict of interest and abstain from voting.

Due to the Freedom of Information Act, due process and appropriately designated channels of communication in the school system, no charges or complaints against employees of the Madison Public Schools shall be heard in public session.

Should the meeting be interrupted by the conduct of anyone in attendance to the extent that the business of the meeting cannot be conducted in an orderly manner, such person(s) may be asked by the Chairperson or presiding officer to leave the room in which the meeting is taking place.

Legal Reference: Connecticut General Statutes
Sec. 1-21h

Date of Adoption: 3/20/72
1st Revision: 6/19/90
2nd Revision: 1/3/95

**#9540.4
Rules of Order**

The Board will follow *Robert's Rules of Order, Revised*, latest edition as modified by this policy and subsequent rules.

The purpose of modified rules adopted by the Board are:

- to establish guidelines by which the business of the governing board can be conducted in a regular and internally consistent manner,
- to organize the meetings so that all necessary matters can be brought to the Board and that decisions of the Board can be made in an orderly and reasonable manner,
- to insure that members of the Board, concentrating on the substantive issues at hand, have the necessary information to make decisions, and to insure adequate discussion of decisions to be made; and
- to insure that meetings and actions of the Board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

Date of Adoption: 3/7/95

#9400**Organization of the School Board**

Board Officers

The Board will elect a Chairperson, a Vice-Chairperson and a Secretary who will be members of the Board. The Board may assign a district employee to provide clerical assistance to the Board. Officers will be elected by majority vote of the members present and voting.

Term and Duties

Board officers will serve for a term of two years and until a successor is elected, except in the case of removal or resignation. Officers may succeed themselves in office. Each officer will perform any legal duties of the office and other duties, as required by the Board.

Vacancy

The vacancy to the Executive Board position shall be filled, other than the Chairperson, by a majority vote of those members present at the next regularly scheduled Board meeting following the declaration of vacancy. A vacancy to the Chairperson's position shall be temporarily filled by the Vice-Chairperson, for a period not to exceed six weeks. In the event that the temporary Chairperson is voted to the position on a permanent basis, an election for a new Vice-Chairperson shall occur within six weeks from the date of appointment. The newly-elected officer shall take office upon election.

Date of Adoption: 3/7/95

Date of Revision: May 8, 2018

#9410
Board Organizational Meeting

The Board of Education Organizational Meeting shall be the second regularly scheduled board meeting each November. In the event that the town election in any election year is later than the second regularly scheduled November board meeting, the Board of Education Organizational Meeting shall be the next regularly scheduled meeting of the board following that election. The Board of Education shall, not later than one month after the date on which newly-elected members take office, elect from its own members a Chairperson, a Vice-Chairperson, and a Secretary. The organizational meeting shall be called to order by the Chairperson of the Board, the Vice-Chairperson or the Secretary, in that order of priority, provided one of these officers is still a member of the Board. If none of the Board officers from the preceding year is presently a member of the Board, the Superintendent shall call the meeting to order. A temporary Chairperson shall be chosen by a majority of those members present. The temporary Chairperson shall preside until a successor is elected. The vote of each member of such Board cast in such election shall be reduced to writing and made available for public inspection within 48 hours, excluding Saturday, Sunday or legal holiday, and shall all be recorded in the minutes of the meeting, which shall be available for public inspection at all reasonable times.

The newly elected Chairperson of the Board shall take office upon election and preside over the elections of the Vice-Chairperson and Secretary.

All officers of the Board shall hold office for a term of two years and until their successors are elected, except in the case of removal or resignation.

Assignments for Permanent Committees and Board Representatives shall be decided at the second regularly scheduled Board of Education meeting following the election. Terms for these positions shall be two years.

Legal Reference: Connecticut State Statutes Sec. 10-218

Date of Adoption: 1/17/1972
Revision: 6/19/1990
Revision: 1/3/1995
Revision: 10/29/2013
Revision: 12/1/2020

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;

- 48 • [graphic, written or electronic communications that are harmful or](#)
49 • [humiliating based on Protected Class membership; or](#)
50 • [physical, written, electronic or verbal threats based on Protected Class](#)
51 • [membership.](#)

52
53 [Harassment does not have to include intent to harm, be directed at a specific target, or](#)
54 [involve repeated incidents.](#)

55
56 [Sexual harassment is a form of harassment that is prohibited by law and Board policy.](#)

57 [For more information regarding harassment based on](#) sex, sexual orientation, , pregnancy,
58 or gender identity or expression, contact the District’s Title IX Coordinator.

59

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

68

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

75

76

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

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107 [threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct,](#)
108 [threats based on a person's sexuality or threats to release sexual images.](#)

109

110 **II.** Reporting:

111 [It is the policy of the Board to provide for the prompt and equitable resolution of](#)
112 [complaints alleging Protected Class discrimination or harassment.](#)

113

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

121

122 If a complaint involves allegations of discrimination or harassment based on sex, gender
123 identity or expression, sexual orientation, or pregnancy, such complaints will be handled
124 in accordance with other appropriate policies (e.g., Policy #4116.1, Sex
125 Discrimination/Harassment in the Workplace; Policy #5120.4.2.4, Sex Discrimination
126 and Sexual Harassment; Policy #4118.14, Section 504/ADA, and Policy #5200, Section
127 504/ADA).

128 [In the event reported conduct allegedly violates more than one policy, the Board will](#)
129 [coordinate any investigation in compliance with the applicable policies.](#)

130

131 [In addition to reporting to District officials in accordance with this policy, individuals](#)
132 [also may file a complaint with the following agencies:](#)

133

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

135

136 Office for Civil Rights, Boston Office

137 U.S. Department of Education

138 8th Floor

139 5 Post Office Square

140 Boston, MA 02109- 3921

141 (617-289-0111)

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

Community/School Relations

143
144 Connecticut Commission on Human Rights and Opportunities:
145
146 Connecticut Commission on Human Rights and Opportunities
147 450 Columbus Blvd.
148 Hartford, CT 06103-1835
149 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)
150

151 [Equal Employment Opportunity Commission \(employees only\):](#)
152

153 [Equal Employment Opportunity Commission, Boston Area Office](#)
154 [John F. Kennedy Federal Building](#)
155 [475 Government Center](#)
156 [Boston, MA 02203](#)
157 [\(800-669-4000\)](#)
158

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

163
164 **Office of the Superintendent**
165 **10 Campus Drive**
166 **Madison, CT 06443**
167 **(203) 245-6322**
168

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

171
172 **Director of Special Education**
173 **10 Campus Drive**
174 **Madison, CT 06443**
175 **(203) 245-6341**
176

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

181
182 **Director of Special Education**
183 **10 Campus Drive**
184 **Madison, CT 06443**

185 **(203) 245-6341**

186
187 **Legal References:**

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189 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
190 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
191 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
192 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
193 Americans with Disabilities Act, 42 U.S.C. § 12101
194 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
195 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
196 Connecticut General Statutes § 46a-58, Deprivation of rights
197 Connecticut General Statutes § 27-103
198 Connecticut General Statutes § 46a-51, Definitions
199 Connecticut Fair Employment Practices Act, Connecticut General Statutes
200 § 46a-60
201 Connecticut General Statutes § 46a-81a, Sexual orientation discrimination:
202 Definitions
203 Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:
204 Employment
205 [Connecticut General Statutes § 46b-1, Family relations matters and](#)
206 [domestic violence defined](#)
207
208 Public Act No. 22-82, “An Act [Concerning Online Dating Operators, the](#)
209 [Creation of a Grant Program to Reduce Occurrences of Online](#)
210 [Abuse and the Provision of Domestic Violence Training and](#)
211 [Protections for Victims of Domestic Violence](#)”
212
213
214

215
216 Date Adopted: March 16, 2021
217 Date of Revision: October 12, 2021
218

**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

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

51
52 The District will not tolerate any reprisals or retaliation that occur as a result of the good faith
53 reporting of charges of Protected Class harassment or discrimination. Any such reprisals or
54 retaliation will result in disciplinary action against the retaliator, and other corrective actions
55 as appropriate.

56
57 The District will periodically provide staff development for District administrators and
58 periodically distribute this policy and implementing administrative regulations to staff and
59 students in an effort to maintain an environment free of harassment and discrimination.

60 Complaint Procedure

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62
63 As soon as an individual feels that they, or another individual has been subjected to Protected
64 Class discrimination or harassment they should make a written complaint to the
65 Superintendent, or designee.

66
67 Complaints pertaining to the Superintendent should be filed with the Board Chair. [Complaints](#)
68 [pertaining to any Board members other than the Board Chair should be filed with the Board](#)
69 [Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In](#)
70 [all cases, the individual receiving the complaint shall take](#) appropriate steps to cause the
71 matter to be investigated in a manner consistent with the Board’s non-discrimination policy
72 and regulation. If any party to the complaint involving the Superintendent or a Board member
73 is not satisfied with the findings and conclusions of the investigation, within (30) calendar
74 days of receiving the findings, such party may present the complaint and written outcome to
75 the Board Chair, who will take appropriate steps, such as retaining an independent
76 investigator different from the investigator who investigated the complaint, to cause the matter
77 to be reviewed in a manner consistent with the Board’s non-discrimination policy and
78 regulation.

79
80 The individual who is alleged to have experienced Protected Class discrimination/harassment
81 (the “complainant”) and any individual accused of Protected Class discrimination/harassment
82 (the “respondent”) (if applicable) will be provided a copy of the Board’s policy and
83 regulation and made aware of the individual’s rights under this policy and regulation. In the
84 event the Superintendent or designee receives a complaint alleging discrimination or
85 harassment on the basis of sex, gender identity or expression, sexual orientation, or pregnancy,
86 the Superintendent or designee shall follow the procedures identified in the appropriate Board
87 policies (e.g., Policy #4116.1, Sex Discrimination/Harassment in the Workplace (Personnel);
88 Policy #5120.4.2.4, Sex Discrimination and Sexual Harassment (Students); Policy #4118.14,
89 Section 504/ADA (Personnel), and Policy #5200, Section 504/ADA) (Students)),

90 The complaint should state the:

91
92 A. Name of the complainant,

93
94 B. Date of the complaint,

95

- 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.

126
127 Upon receipt of a written complaint of discrimination or harassment, the investigator should:

- 128
- 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

- 143 the complaint and any relevant witnesses or other individuals deemed relevant to the
144 complaint;
- 145
- 146 4. Review any records, notes, statements, or other documents relevant to the complaint;
- 147
- 148 5. Maintain confidentiality to the extent practicable throughout the investigative process, in
149 accordance with state and federal law;
- 150
- 151 6. Complete a final investigation report that includes: (i) a findings of fact based on the
152 evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to
153 whether the discrimination or harassment occurred; and (iii) for any individual(s) found to
154 have engaged in discrimination or harassment, a broad statement of consequences imposed
155 (to the extent permitted by state and federal confidentiality requirements) (i.e.
156 “Consequences were imposed.”).
- 157
- 158 7. Communicate the outcome of the investigation in writing to the complainant and
159 respondent (if any) (to the extent permitted by state and federal confidentiality
160 requirements), within thirty (30) business days (provided that such time frame may be
161 reasonably extended based on the availability of necessary witnesses and/or participants,
162 the complexity of the investigation, and/or other extenuating circumstances) from the date
163 the complaint was received by the Superintendent’s office. The complainant and
164 respondent (if any) shall be notified of any extension of the investigation timeline. The
165 written notice shall include a finding whether the complaint was substantiated and if so,
166 shall identify, to the extent possible, how the District will remedy the discrimination or
167 harassment, adhering to the requirements of state and federal law;
- 168
- 169 8. If a complaint is made during summer recess, the complaint will be reviewed and
170 addressed as quickly as possible given the availability of employees and/or other
171 individuals who may have information relevant to the complaint. If fixed time frames
172 cannot be met, the complainant and respondent (if any) will receive notice and interim
173 measures may be implemented as necessary (see sub-paragraph 6);
- 174
- 175 9. Whenever allegations are verified, ensure that appropriate corrective action is taken
176 (including, but not limited to, disciplinary action) aimed at preventing the recurrence of
177 the discrimination or harassment. Corrective action should include steps to avoid
178 continuing discrimination or harassment;
- 179
- 180 10. If a complainant or respondent is not satisfied with the findings and conclusions of the
181 investigation, such party may present the complaint and written outcome to the
182 Superintendent within thirty (30) calendar days of receiving the findings. Upon review of
183 a written request from the party requesting an appeal, the Superintendent shall review the
184 investigative results of the investigator and determine if further action and/or investigation
185 is warranted. Such action may include consultation with a designated investigator (if
186 applicable), complainant, and respondent (if any) and meeting with appropriate individuals
187 to attempt to resolve the complaint, or a decision affirming or overruling a designated
188 investigator’s conclusions or findings (if applicable). The Superintendent shall provide
189 written notice to the complainant and respondent (if any) of the proposed actions within

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

194

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

199 (a) Interventions for the individual who engaged in the discrimination/harassment,
200 such as parent/guardian or supervisor notification, discipline, counseling, or
201 training.

202 (b) Interventions for the complainant, such as counseling, academic support, and
203 information on how to report further incidents of discrimination.

204 (c) Separating the complainant and the individual who engaged in the
205 discrimination/harassment, provided the separation does not penalize the
206 complainant.

207 (d) Follow-up inquiries with the complainant and witnesses to ensure that the
208 discriminatory/harassing conduct has stopped and that they have not experienced
209 any retaliation.

210 (e) Training or other interventions for the larger school community to ensure that
211 students, staff, and parents understand the types of behavior that constitute
212 discrimination/harassment, that the District does not tolerate it, and how to report
213 it.

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

215

216 Boston Office, Office for Civil Rights

217 U.S. Department of Education

218 8th Floor, 5 Post Office Square

219 Boston, MA 02109-3921

220 (617) 289-0111

221

222 A complainant may also file a complaint with the:

223 Connecticut Commission on Human Rights and Opportunities

224 450 Columbus Blvd.,

225 Hartford, CT 06103-1835

226 (860) 541-3400

227

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

230

231

232 Equal Employment Opportunity Commission

233 Boston Area Office

234 John F. Kennedy Federal Building

235 475 Government Center

236 Boston, MA 02203

237 (800) 669-4000

238

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

241

242 **Office of the Superintendent**

243 **10 Campus Drive**

244 **Madison, CT 06443**

245 **(203) 245-6322**

246

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

250

251 **Director of Special Education**

252 **10 Campus Drive**

253 **Madison, CT 06443**

254 **(203) 245-6341**

255

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

260

261 **Director of Special Education**

262 **10 Campus Drive**

263 **Madison, CT 06443**

264 **(203) 245-6341**

265

Non-Discrimination

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3
4 The Board of Education (the “Board”) will not make employment decisions (including
5 decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary
6 action and termination) on the basis of race, color, national origin, ancestry, alienage, sex,
7 sexual orientation, marital status, age, disability, pregnancy, gender identity or expression,
8 or veteran status, status as a victim of domestic violence or any other basis prohibited by
9 state or federal law (“Protected Class”) except in the case of a bona fide occupational
10 qualification.

11
12 It is the policy of the Board that any form of discrimination or harassment on the basis of
13 an individual’s actual or perceived membership in a Protected Class, whether by students,
14 Board employees, Board members or third parties subject to the control of the Board is
15 prohibited. The Board’s prohibition of discrimination or harassment in its educational
16 programs or activities expressly extends to academic, nonacademic and extracurricular
17 activities, including athletics. [The Board will not discriminate against any employee or](#)
18 [applicant for employment solely on the basis of the individual’s erased criminal history](#)
19 [record information, as defined in Conn. Gen. Stat. § 46a-80a.](#)

20
21 [The Board further prohibits reprisal or retaliation against any individual who](#)
22 [reports incidents in good faith that may be a violation of this policy, or who participates in](#)
23 [the investigation of such reports.](#)

24
25 [Discrimination and/or harassment against any individual on the basis of that](#)
26 [individual’s association with someone in a Protected Class may also be considered a form](#)
27 [of Protected Class discrimination and/or harassment, and is therefore prohibited by this](#)
28 [policy.](#)

29
30 **I. Definitions:**

31
32 [The following definitions apply for purposes of this policy:](#)

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A. Discrimination

With respect to employees, it is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee’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 is unwelcome conduct that is based on an employee’s actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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 an intimidating, hostile, or abusive 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 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;
- physical, written, electronic or verbal threats based on Protected Class membership.

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

65
66 [Sexual harassment is a form of harassment that is prohibited by law and Board Policy](#)
67 [4116.1 Sex Discrimination and Sexual Harassment. For more information regarding](#)
68 [harassment based on](#) sex, sexual orientation, pregnancy, , or gender identity or expression,
69 contact the District’s Title IX Coordinator.

70 [C.](#) Genetic information

71 The information about genes, gene products, or inherited characteristics that may derive
72 from an individual or a family member. “Genetic information” may also include an
73 individual’s family medical history, the results of an individual’s or family member’s
74 genetic tests, the fact that an individual or an individual’s family member sought or
75 received genetic services, and genetic information of a fetus carried by an individual or an
76 individual’s family member or an embryo lawfully held by an individual or family member
77 receiving assistive reproductive services.

78 [D.](#) Veteran

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

90 [E.](#) Gender identity or expression

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

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

99 F. Race

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

104 G. Domestic violence

105 The term domestic violence means (1) a continuous threat of present physical pain or
106 physical injury against a family or household member, as defined in Conn. Gen. Stat. §
107 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat.
108 § 53a-181d, of such family or household member; (3) a pattern of threatening, including
109 but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of
110 such family or household member or a third party that intimidates such family or household
111 member; or (4) coercive control of such family or household member, which is a pattern of
112 behavior that in purpose or effect unreasonably interferes with a person's free will and
113 personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging
114 in any of the following: (a) isolating the family or household member from friends,
115 relatives or other sources of support; (b) depriving the family or household member of
116 basic necessities; (c) controlling, regulating or monitoring the family or household
117 member's movements, communications, daily behavior, finances, economic resources or
118 access to services; (d) compelling the family or household member by force, threat or
119 intimidation, including, but not limited to, threats based on actual or suspected immigration
120 status, to (i) engage in conduct from which such family or household member has a right to
121 abstain, or (ii) abstain from conduct that such family or household member has a right to
122 pursue; (e) committing or threatening to commit cruelty to animals that intimidates the
123 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.

156

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

159

160 Office for Civil Rights, Boston Office

161 U.S. Department of Education

162 8th Floor

163 5 Post Office Square

164 Boston, MA 02109-3921

165 (617) 289-0111

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

167

168 Equal Employment Opportunity Commission:

169

170 Equal Employment Opportunity Commission, Boston Area Office

171 John F. Kennedy Federal Building

172 475 Government Center

173 Boston, MA 02203

174 (800-669-4000)

175

176

177 Connecticut Commission on Human Rights and Opportunities

178 450 Columbus Blvd.

179 Hartford, CT 06103-1835

180 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

181

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

186

187 **Office of the Superintendent**

188 **10 Campus Drive**

189 **Madison, CT 06443**

190 **(203) 245-6322**

191

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

195

196 **Director of Special Education**

197 **10 Campus Drive**
198 **Madison, CT 06443**
199 **(203) 245-6341**
200

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

204
205 **Director of Special Education**
206 **10 Campus Drive**
207 **Madison, CT 06443**
208 **(203) 245-6341**
209

210 Legal References:

211
212 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
213 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
214 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
215 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
216 Americans with Disabilities Act, 42 U.S.C. § 12101
217 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
218 Title II of the Genetic Information Nondiscrimination Act of 2008,
219 Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

220
221
222 Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
223 defined

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

227 Connecticut General Statutes § 27-103

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

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

230 Connecticut Fair Employment Practices Act, Connecticut General Statutes §
231 46a-60

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

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

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

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

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

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[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

**Regulation #4118.1
Non-Discrimination**

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2
3
4 The Madison Board of Education (the “Board”) will not make employment decisions (including
5 decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action
6 and termination) on the basis of race, color, religion, age, sex, sexual orientation, marital status,
7 national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status,
8 gender identity or expression, status as a victim of domestic violence, or any other basis
9 prohibited by state or federal law (“Protected Class”), except in the case of a bona fide
10 occupational qualification.

11
12 It is the policy of the Board that any form of discrimination or harassment on the basis of an
13 individual’s actual or perceived membership in a Protected Class whether by students, Board
14 employees, Board members or third parties subject to the control of the Board. Students, Board
15 employees and third parties are expected to adhere to a standard of conduct that is respectful of
16 the rights of all members of the school community.

17
18 It is the express policy of the Board to provide for the prompt and equitable resolution of
19 complaints alleging Protected Class. The District will investigate both formal and informal
20 complaints of discrimination, harassment or retaliation.

21
22 Although not an exhaustive list, the following are examples of the types of conduct that may be
23 considered Protected Class harassment and can lead to a hostile environment, and are therefore
24 prohibited:

- 25
- 26 • objectively offensive racial, ethnic, or religious epithets (or epithets commonly
27 associated with any Protected Class membership);
- 28 • other words or phrases commonly considered demeaning or degrading on the
29 basis of Protected Class membership;
- 30 • display of images or symbols commonly associated with discrimination against
31 individuals on the basis of their membership in a Protected Class;
- 32 • graphic, written or electronic communications that are harmful or humiliating
33 based on Protected Class membership; or
- 34 • physical, written, electronic or verbal threats based on Protected Class
35 membership.

36
37 Harassment does not have to include intent to harm, be directed at a specific target, or involve
38 repeated incidents.

39
40 Any employee who believes an employee has experienced Protected Class discrimination or
41 harassment or an act of retaliation or reprisal in violation of Board policy should report such
42 concern in writing in accordance with the Board’s complaint procedures included in these
43 Administrative Regulations Regarding Non-Discrimination/Personnel.

44
45 If a complaint involves allegations of discrimination or harassment based on sex, gender identity
46 or expression, sexual orientation, or pregnancy, such complaints will be handled, as appropriate,
47 in accordance with other Board policies (e.g., Policy #4116.1 Sex Discrimination/Harassment
48 (Personnel) and Policy #4118.14 Disabilities (Personnel)).

49
50 If a complaint involves allegations of discrimination or harassment based on disability, such
51 complaints will be addressed in accordance with the procedures set forth in Board Policy
52 #4118.14Section 504/ADA (Personnel).

53
54 In the event conduct reported as Protected Class discrimination and/or harassment allegedly
55 violates more than one policy, the Board will coordinate any investigation in compliance with the
56 applicable policies.

57
58 Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence.
59 Timely reporting of complaints facilitates the investigation and resolution of such complaints.
60 The District will investigate such complaints promptly and equitably, and will take corrective
61 action when allegations are verified.

62
63 The District will not tolerate any reprisals or retaliation that occur as a result of the good faith
64 reporting of charges of Protected Class discrimination or harassment. The Board further prohibits
65 reprisal or retaliation against any individual who participates in the investigation of reports of
66 alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in
67 disciplinary action against the retaliator, and other corrective actions as appropriate.

68
69 The District will periodically provide staff development for District administrators and
70 periodically distribute this policy and implementing administrative regulations to staff and
71 students in an effort to maintain an environment free of harassment and discrimination.

72 Complaint Procedure

73
74 As soon as an individual feels that they, or another employee has been subjected to
75 discrimination or
76 harassment the individual should make a written complaint to the Superintendent or designee.

77
78
79 Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints
80 pertaining to any Board members other than the Board Chair should be filed with the Board
81 Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice-Chair. In all
82 cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be
83 investigated in a manner consistent with the Board's non-discrimination policy and regulation. If
84 any party to the complaint is not satisfied with the findings and conclusions of the investigation
85 in which the Superintendent or a member of the Board is the respondent, within (30) calendar
86 days of receiving the findings such party may present the complaint and written outcome to the
87 Board Chair, who will take appropriate steps, such as retaining an independent investigator
88 different from the investigator who investigated the complaint, to cause the matter to be reviewed
89 in a manner consistent with the Board's non-discrimination policy and regulation.

90
91 The individual who is alleged to have experienced Protected Class discrimination/harassment
92 (the "complainant") and any individual accused of Protected Class discrimination/harassment
93 (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation
94 and made aware of the individual's rights under this policy and regulation. In the event the
95 Superintendent or designee receives a complaint alleging discrimination or harassment based on

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

102
103 The complaint should state the:

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

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

127
128 All complaints received by staff members are to be forwarded immediately to the Superintendent
129 or designee. Upon receipt of a complaint alleging harassment or discrimination under this
130 complaint procedure, the Superintendent or designee shall promptly investigate the complaint.
131 During the course of the investigation, the investigator shall interview or consult with all
132 individuals reasonably believed to have relevant information, including the complainant, the
133 reporter (if different from the complainant), the “respondent”), and any witnesses to the conduct.
134 Complaints will be investigated promptly within the time frames identified below. Time frames
135 may be extended as needed given the complexity of the investigation, availability of individuals
136 with relevant information and/or other extenuating circumstances. Confidentiality will be
137 maintained by all persons involved in the investigation to the extent possible, as determined by
138 the investigator.

139
140 Upon receipt of a written complaint of discrimination or harassment, the investigator should:
141

- 142 1. Offer to meet with the complainant and respondent (if applicable) within ten (10)
143 business days (provided that such timeframe may be reasonably extended based on the
144 availability of necessary witnesses and/or participants, the complexity of the
145 investigation, and/or other extenuating circumstances) to discuss the nature of the
146 complaint, discuss the availability of interim measures, identify individuals the
147 complainant or respondent believes has relevant information, and obtain any relevant
148 documents the complainant or respondent may have;
149
- 150 2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-
151 discrimination policy and accompanying regulations;
152
153
- 154 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the
155 factual basis for the complaint, including, as applicable, conducting interviews with
156 individuals with [the parties to the complaint and any relevant witnesses or other](#)
157 [information and review of documents deemed relevant to the complaint](#);
158
- 159 4. [Review any records, notes, statements, or other documents relevant to the complaint](#);
160
161
- 162 5. Maintain confidentiality to the extent practicable throughout the investigative process,
163 in accordance with state and federal law;
164
- 165 6. [Complete a final investigation report that includes: \(i\) a findings of fact based on the](#)
166 [evidence gathered; \(ii\) for each allegation, the conclusion\(s\) and reasoning\(s\) as to](#)
167 [whether the discrimination or harassment occurred; and \(iii\) for any individual\(s\) found](#)
168 [to have engaged in discrimination or harassment, a broad statement of consequences](#)
169 [imposed \(to the extent permitted by state and federal confidentiality requirements\) \(i.e.](#)
170 [“Consequences were imposed.”\)](#).
171
- 172 7. Communicate the outcome of the investigation in writing to the complainant and
173 respondent (if any) (to the extent permitted by state and federal confidentiality
174 requirements), within thirty (30) business days (provided that such timeframe may be
175 reasonably extended based on the availability of necessary witnesses and/or
176 participants, the complexity of the investigation, and/or other extenuating
177 circumstances) from the date the complaint was received by the Superintendent’s
178 office. The complainant and respondent (if any) shall be notified of such extension.
179 The written notice shall include a finding whether the complaint was substantiated and
180 if so, shall identify, to the extent possible, how the District will remedy the
181 discrimination or harassment, adhering to the requirements of state and federal law;
182
- 183 8. If a complaint is made during summer recess, the complaint will be reviewed and
184 addressed as quickly as possible given the availability of employees and/or other
185 individuals who may have information relevant to the complaint. If fixed time frames
186 cannot be met, the complainant and respondent (if any) will receive notice and interim
187 measures may be implemented as necessary (see sub-paragraph 6);
188

- 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

236 John F. Kennedy Federal Building
237 475 Government Center
238 Boston, MA 02203
239 (800-669-4000)

240
241 Connecticut Commission on Human Rights and Opportunities:

242
243 Connecticut Commission on Human Rights and Opportunities
244 450 Columbus Blvd.
245 Hartford, CT 06103-1835
246 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

247
248 Anyone who has questions or concerns about these regulations, and/or who may wish to request
249 or discuss accommodations based on religion, may contact:

250
251 **Office of the Superintendent**
252 **10 Campus Drive**
253 **Madison, CT 06443**
254 **(203) 245-6322**

255
256 Anyone who has questions or concerns about the Board's policies regarding discrimination or
257 harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the
258 Board's Title IX Coordinator:

259
260 **Director of Special Education**
261 **10 Campus Drive**
262 **Madison, CT 06443**
263 **(203) 245-6341**

264
265 Anyone who has questions or concerns about the Board's policies regarding discrimination or
266 harassment on the basis of disability, and/or who may wish to request or discuss accommodations
267 for a disability, may contact the Board's Section 504/ADA Coordinator:

268
269 **Director of Special Education**
270 **10 Campus Drive**
271 **Madison, CT 06443**
272 **(203) 245-6341**

273

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)

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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

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

70

71 C. Veteran:

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

84

85 D. Gender identity or expression:

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

94

95 E. Race

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

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

100 F. Domestic Violence:

101

102 The term domestic violence means (1) a continuous threat of present physical pain or
103 physical injury against a family or household member, as defined in Conn. Gen. Stat. §
104 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen.
105 Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening,
106 including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. §
107 53a-62, of such family or household member or a third party that intimidates such family
108 or household member; or (4) coercive control of such family or household member,
109 which is a pattern of behavior that in purpose or effect unreasonably interferes with a
110 person's free will and personal liberty. "Coercive control" includes, but is not limited to,
111 unreasonably engaging in any of the following: (a) isolating the family or household
112 member from friends, relatives or other sources of support; (b) depriving the family or
113 household member of basic necessities; (c) controlling, regulating or monitoring the
114 family or household member's movements, communications, daily behavior, finances,
115 economic resources or access to services; (d) compelling the family or household member
116 by force, threat or intimidation, including, but not limited to, threats based on actual or
117 suspected immigration status, to (i) engage in conduct from which such family or
118 household member has a right to abstain, or (ii) abstain from conduct that such family or
119 household member has a right to pursue; (e) committing or threatening to commit cruelty
120 to animals that intimidates the family or household member; or (f) forced sex acts, or
121 threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct,
122 threats based on a person's sexuality or threats to release sexual images.

123

124 II. Reporting:

125

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

128

129 Any student, staff member and/or parent/guardian who believes a student has experienced
130 Protected Class discrimination or harassment or an act of retaliation or reprisal in
131 violation of this policy should report such concern in writing in accordance with the
132 Board's complaint procedures included in the Board's Administrative Regulations
133 Regarding Non-Discrimination/Students. These regulations accompany Board Policy
134 #5020.1 and are available online at [https://www.madison.k12.ct.us/board-of-](https://www.madison.k12.ct.us/board-of-education/policies)
135 [education/policies](https://www.madison.k12.ct.us/board-of-education/policies) or upon request from the main office of any district school. Students
136 are encouraged to immediately report concerns about Protected Class discrimination,
137 harassment, or retaliation.

138

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

147

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

153

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

157

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

160

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

163

164 Office for Civil Rights, U.S. Department of Education (“OCR”):
165 Office for Civil Rights, Boston Office
166 U.S. Department of Education
167 8th Floor
168 5 Post Office Square
169 Boston, MA 02109- 3921
170 (617-289-0111)
171 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

172

173

174 Connecticut Commission on Human Rights and Opportunities:

175

176 Connecticut Commission on Human Rights and Opportunities
177 450 Columbus Blvd.
178 Hartford, CT 06103-1835
179 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

180

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

185

186 **Office of the Superintendent**
187 **10 Campus Drive**
188 **Madison, CT 06443**
189 **(203) 245-6322**

190

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

194

195 **Director of Special Education**
196 **10 Campus Drive**
197 **Madison, CT 06443**
198 **(203) 245-6341**

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

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

203
204 **Director of Special Education**
205 **10 Campus Drive**
206 **Madison, CT 06443**
207 **(203) 245-6341**

208 Legal References:

209
210 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
211 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.
212 Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
213 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.
214 Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined
215 Connecticut General Statutes § 46a-51, Definitions
216 Connecticut General Statutes § 10-15c
217 Connecticut General Statutes § 27-103
218 Connecticut General Statutes § 46a-58, Deprivation of rights
219 Connecticut General Statutes § 46a-81a, et seq.
220 Connecticut General Statutes § 46b-1, Family relations matters and
221 domestic violence defined
222 Public Act No. 22-82, “An Act Concerning Online Dating Operators, the
223 Creation of a Grant Program to Reduce Occurrences of Online Abuse
224 and the Provision of Domestic Violence Training and Protections of
225 Victims of Domestic Violence”
226
227

228
229 Date Adopted: March 16, 2021
230 Date Revised: October 12, 2021
231

**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.

45
46 Any student, staff member and/or parent/guardian who believes a student has experienced
47 Protected Class discrimination or harassment or an act of retaliation or reprisal in
48 violation of Board policy should report such concern in writing in accordance with the
49 Board's complaint procedures included in these Administrative Regulations Regarding
50 Non-Discrimination/Students. If a complaint involves allegations of discrimination or
51 harassment based on sex, gender identity or expression, sexual orientation, ~~or pregnancy,~~
52 such complaints will be handled ~~under other appropriate policies (e.g., in accordance with~~
53 the procedures set forth in Board Policy # 5120.4.2.4. Title IX of the Education
54 Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment.
55 Complaints involving allegations of discrimination or harassment based on disability will
56 be addressed in accordance with the procedures set forth in Board Policy # 5200, Section
57 504/ADA). (Students). In the event reported conducted allegedly violates more than one
58 policy, the Board will coordinate any investigation in compliance with the applicable
59 policies.

60
61 Preferably, complaints should be filed within thirty (30) days of the alleged occurrence.
62 Timely reporting of complaints facilitates the investigation and resolution of such
63 complaints. The District will investigate such complaints promptly and equitably, and
64 will take corrective action when allegations are verified.

65
66 The district will not tolerate any reprisals or retaliation that occur as a result of the good
67 faith reporting of charges of Protected Class Discrimination or harassment. The Board
68 further prohibits reprisal or retaliation against any individual who participates in the
69 investigation of reports of alleged Protected Class harassment/discrimination. Any such
70 reprisals or retaliation will result in disciplinary action against the retaliator, and other
71 corrective actions as appropriate.

72
73 The District will periodically provide staff development for district administrators and
74 periodically distribute this policy and the implementing administrative regulations to
75 employees and students in an effort to maintain an environment free of harassment and
76 discrimination.

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Complaint Procedure

As soon as a student feels that they or another student has been subject to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee or to the building principal, 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 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 student and/or parent/guardian will be provided a copy of the Board’s policy and regulation and made aware of the student’s rights under this policy and regulation. In the event the principal or designee receives a complaint alleging discrimination or harassment based on sex, gender identity or expression, sexual orientation, or pregnancy, the principal or designee shall follow the procedures identified in Policy 5020.4.2, Sex Discrimination and Sexual Harassment (Students). If the complaint alleging discrimination or harassment is based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy #5200, Section 504/ADA (Students).

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.

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

131
132 All complaints are to be forwarded immediately to the Superintendent or designee. Upon
133 receipt of a complaint alleging harassment or discrimination under this complaint
134 procedure, the Superintendent shall designate a District administrator (or other trained
135 individual) to promptly investigate the complaint. During the course of the investigation,
136 the investigator shall interview or consult with all individuals reasonably believed to have
137 relevant information, including the individual alleged to have experienced Protected
138 Class discrimination and/or harassment (the “complainant”), the alleged
139 harasser/discriminator (“respondent”) and any witnesses to the conduct. Complaints will
140 be investigated promptly within the time frames identified below. Time frames may be
141 extended as needed given the complexity of the investigation, availability of individuals
142 with relevant information and/or other extenuating circumstances. Confidentiality will be
143 maintained by all persons involved in the investigation to the extent possible to the extent
144 consistent with principals of due process, as determined by the investigator.

145
146 Upon receipt of a written complaint of discrimination or harassment, the investigator
147 should:

- 148
149 1. Offer to meet with the complainant (and respondent, if applicable) within ten
150 (10) business days (provided that such time frame may be reasonably extended
151 based on the availability of necessary witnesses and/or participants, the
152 complexity of the investigation, and/or other extenuating circumstances) to
153 discuss the nature of the complaint, discuss the availability of interim measures,
154 identify individuals the complainant or respondent believes has relevant
155 information, and obtain any relevant documents the complainant or respondent
156 may have;
- 157
158 2. Provide the complainant (and respondent, if applicable) with a copy of the
159 Board’s non-discrimination policy and accompanying regulations;
- 160
161
162 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate
163 the factual basis of the complaint, including, as applicable conducting
164 interviews with the parties to the complaint and any relevant witnesses or other
165 individuals deemed relevant to the complaint;
- 166
167 4. Review any records, notes, statements, or other documents relevant to the
168 complaint;
- 169

- 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

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

221
222 If the District makes a finding of discrimination, harassment or retaliation, the District
223 will take appropriate remedial action designed to 1) eliminate the
224 discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on
225 the complainant and any other affected individuals. Examples of appropriate action may
226 include:

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

241
242 Any student and/or parent/guardian also may file a complaint with the Office for Civil
243 Rights, U.S. Department of Education (“OCR”):

244
245 Office for Civil Rights, Boston Office
246 U.S. Department of Education
247 8th Floor
248 5 Post Office Square
249
250 Boston, MA 02109- 3921
251 (617-289-0111)
252 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>
253

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

256
257 Connecticut Commission on Human Rights and Opportunities
258 450 Columbus Blvd.
259 Hartford, CT 06103-1835
260 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

261
262 Anyone who has questions or concerns about these regulations,

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

265
266 **Office of the Superintendent**
267 **10 Campus Drive**
268 **Madison, CT 06443**
269 **(203) 245-6322**

270
271 Anyone who has questions or concerns about the Board's policies regarding
272 discrimination or harassment on the basis of gender/sex, gender identity, or sexual
273 orientation may contact the Board's Title IX Coordinator:

274
275 **Director of Special Education**
276 **10 Campus Drive**
277 **Madison, CT 06443**
278 **(203) 245-6341**

279
280 Anyone who has questions or concerns about the Board's policies regarding
281 discrimination or harassment on the basis of disability, and/or who may wish to request or
282 discuss accommodations for a disability, may contact the Board's Section 504/ADA
283 Coordinator:

284
285 **Director of Special Education**
286 **10 Campus Drive**
287 **Madison, CT 06443**
288 **(203) 245-6341**

289

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)

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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 _____

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.

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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;

- 93
- 94 • post-deployment activities;
- 95
- 96 • parental care leave for military member's parent who is incapable
- 97 of self-care and care is necessitated by the military member's
- 98 covered active duty;
- 99
- 100 • additional activities that arise out of the active duty or call to active
- 101 duty status of a covered military member, provided that the Board
- 102 and the employee agree that such leave qualifies as an exigency,
- 103 and agree to both the timing and the duration of such leave.
- 104

105 ***LENGTH OF LEAVE***

106

107 (a) Basic FMLA Leave Entitlement

108

109 If a leave is requested for one of the above-listed reasons, each eligible employee may

110 take up to a total of twelve (12) weeks unpaid family or medical leave in the 12-month

111 entitlement period.

112

113 The 12-month entitlement period for family or medical leave is measured on the basis of

114 a "rolling" 12-month period measured backward from the date an employee uses any

115 FMLA leave.

116

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

118

119 In addition to the reasons for leave listed above, an eligible employee may take up to

120 twenty-six (26) workweeks of FMLA leave during a 12-month period to care for (i) a

121 servicemember who is the employee's spouse, parent, child or next of kin, and who

122 incurred a serious injury or illness in the line of duty and while on active duty in the

123 Armed Forces or had a preexisting injury or illness prior to beginning active duty that

124 was aggravated by service in the line of duty on active duty in the Armed Forces; or (ii) a

125 covered veteran with a serious injury or illness who is the employee's spouse, parent,

126 child or next of kin.

127

128 For servicemembers, the injury or illness must render the servicemember medically

129 unable to perform the duties of office, grade, rank or rating. This provision applies to

130 servicemembers who are undergoing medical treatment, recuperation, or therapy, are in

131 outpatient status, or who are on the temporary disability retired list, for a serious injury or

132 illness.

133

134 For covered veterans, the veteran must be undergoing medical treatment, recuperation or

135 therapy for a serious injury or illness and must have been (1) a member of the Armed

136 Forces (including the National Guard or Reserves); (2) discharged or released under

137 conditions that were other than dishonorable; and (3) discharged within the five-year

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

140

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

142

143 (i) a continuation of a serious injury or illness that was incurred or aggravated
144 when the covered veteran was a member of the Armed Forces and
145 rendered the servicemember unable to perform the duties of the
146 servicemember's office, grade, rank, or rating; or

147

148 (ii) a physical or mental condition for which the covered veteran has received
149 a U.S. Department of Veterans Affairs Service-Related Disability Rating
150 (VASRD) of 50 percent or greater, and such VASRD rating is based, in
151 whole or in part, on the condition precipitating the need for military
152 caregiver leave; or

153

154 (iii) a physical or mental condition that substantially impairs the covered
155 veteran's ability to secure or follow a substantially gainful occupation by
156 reason of a disability or disabilities related to military service, or would
157 do so absent treatment; or

158

159 (iv) an injury, including a psychological injury, on the basis of
160 which the covered veteran has been enrolled in the Department of
161 Veterans Affairs Program of Comprehensive Assistance for Family
162 Caregivers.

163

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

169

170 TYPES OF LEAVE AND CONDITIONS

171

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

173

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

176

177 Intermittent leave means leave taken due to a single qualifying reason in separate periods
178 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

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

229

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

236

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

241

242

243 ***REQUESTS FOR LEAVE***

244

245 (a) Foreseeable Leave

246

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

256

257 (b) Qualifying Exigency.

258

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

261

262 (c) Unforeseeable Leave.

263

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

266

267 ***SCHEDULING PLANNED MEDICAL TREATMENT***

268

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

281

282 ***REQUIRED CERTIFICATIONS/DOCUMENTATION***

283

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

299

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

310

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

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

318

319 ***USE OF PAID LEAVE***

320

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

327

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

334

335 ***MEDICAL INSURANCE AND OTHER BENEFITS***

336

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

345

346

347 ***REINSTATEMENT***

348

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

353

354

355 ***ADDITIONAL INFORMATION***

356

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

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

362

363

364 Legal References:

365 Connecticut General Statutes:

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

368

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

370

371 United States Code:

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

374

375 29 CFR Part 825.100 et seq.

376

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

379

380 29 CFR 1635.1 et seq.

381

382

383

#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-3800 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

Student-Activity / Transportation Vehicles

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4
5 Employees should use contracted transportation for all school sponsored events and
6 activities to transport students. Thus, the use of privately-owned vehicles for District
7 business should be kept to a minimum, and such vehicles should only be used when
8 absolutely necessary. In the event that contracted transportation is unavailable for
9 transporting students to a school activity, an employee may use their privately owned
10 vehicle if the following requirements are satisfied:

11
12 1.The employee applies in writing and receives in advance written permission from the
13 Superintendent or Superintendent’s designee;

14
15 2. The employee possesses a valid automobile insurance policy with active liability
16 coverage meeting or exceeding the minimum coverage requirements under Connecticut
17 law, which policy will be in effect at the time of the travel, provides a copy of such policy
18 to the Superintendent or the Superintendent’s designee at the time the employee applies in
19 writing, and maintains the policy in effect through the permitted transport;

20
21 3. In accordance with Connecticut laws, the employee possesses a valid Connecticut
22 driver’s license, commercial or class D, with the appropriate endorsements and provides a
23 copy of such license to the Superintendent or Superintendent’s designee at the time the
24 employee applies in writing;

25
26 4. The employee agrees to maintain their privately owned vehicle in a safe operating
27 condition;

28
29 5. The employee agrees to follow all federal and state laws and regulations regarding the
30 operation of motor vehicles, as well as all Board of Education policies;

31
32 6. The employee agrees to defend, indemnify, and hold harmless the Madison Board of
33 Education and its agents, servants or employees from any and all claims, suits or demands
34 by anyone arising from said employee’s use of their privately owned vehicle for district
35 business.

36
37 Employees who do not satisfy the above requirements are prohibited from transporting
38 students to and/or from school sponsored events and activities in privately owned vehicles.

39
40
41 Date of Adoption: April 1, 2008

#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

- 102 (i) has been the subject of an abuse or neglect or sexual misconduct
103 investigation by any employer, state agency or municipal police
104 department, unless the investigation resulted in a finding that all
105 allegations were unsubstantiated,
106
- 107 (ii) has ever been disciplined or asked to resign from employment or
108 resigned from or otherwise separated from any employment while an
109 allegation of abuse or neglect was pending or under investigation by
110 DCF, or an allegation of sexual misconduct was pending or under
111 investigation or due to an allegation substantiated pursuant to Conn.
112 Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or
113 a conviction for abuse or neglect or sexual misconduct, or
114
- 115 (iii) has ever had a professional or occupational license or certificate
116 suspended or revoked or has ever surrendered such a license or
117 certificate while an allegation of abuse or neglect was pending or
118 under investigation by DCF or an investigation of sexual misconduct
119 was pending or under investigation, or due to an allegation
120 substantiated by DCF of abuse or neglect or of sexual misconduct or a
121 conviction for abuse or neglect or sexual misconduct;
122
- 123 2. Conducting a review of the employment history of the applicant by contacting
124 those employers listed by the applicant under paragraph I.A.1.a of this policy.
125 Such review shall be conducted using a form developed by the Department,
126 which shall request the following:
127
- 128 a. the dates employment of the applicant, and
129
- 130 b. a statement as to whether the employer has knowledge that the applicant:
131
- 132 (i) was the subject of an allegation of abuse or neglect or sexual
133 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

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

168

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

172

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

177

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

181

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

185

186 1. The applicant complied with paragraph I.A.1 of this policy;

187

188 2. The District has no knowledge of information pertaining to the
189 applicant that would disqualify the applicant from employment with
190 the District; and

191

192 3. The applicant affirms that the applicant is not disqualified from
193 employment with the District.

194

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

198

199

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;

202

203

2. Affects the ability of the District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or

204

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206

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.

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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.

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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,

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

248

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

253

254 1. denial of employment, or

255

256 2. termination of the contract of a certified employee, in accordance with the
257 provisions of Conn. Gen. Stat. § 10-151, or

258 3. termination of a non-certified employee in accordance with applicable law
259 and/or any applicable collective bargaining agreement, contract or District
260 policy.

261

- 262 I. If the District provides information in accordance with paragraph I.A.2 or I.G.
263 of this policy, the District shall be immune from criminal and civil liability,
264 provided the District did not knowingly supply false information.
265
- 266 J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection
267 (f) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by
268 another local or regional board of education, governing council of a state or
269 local charter school, interdistrict magnet school operator, or supervisory agent
270 of a nonpublic school for the purposes of an inquiry pursuant to paragraphs
271 I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to
272 paragraph I.B of this policy any information that the District has concerning a
273 finding of abuse or neglect or sexual misconduct by a subject of any such
274 inquiry.
275
- 276 K. Prior to offering employment to an applicant, the District shall make a
277 documented good faith effort to contact each current and any former employer
278 (please note the definition of “former employer” employer above, including
279 the applicable twenty year reporting period) of the applicant that was a local or
280 regional board of education, governing council of a state or local charter
281 school, interdistrict magnet school operator, or supervisory agent of a
282 nonpublic school, or if the applicant’s employment with such current or
283 former employer caused the applicant to have contact with children in order to
284 obtain information and recommendations that may be relevant to the
285 applicant’s fitness for employment. Such effort, however, shall not be
286 construed to require more than three telephonic requests made on three
287 separate days.
288
- 289 L. The District shall not offer employment to any applicant who had any previous
290 employment contract terminated by a local or regional board of education,
291 council of a state or local charter school, interdistrict magnet school operator,
292 or a supervisory agent of a nonpublic school, or who resigned from such
293 employment, if the person has been convicted of a violation of Conn. Gen.

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

296

297 II. DCF Registry Checks

298

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

305

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

313

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

318

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

326

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

334

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

341

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

350

351 III. Criminal Records Check Procedure

352

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

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

362

363 1. No later than five (5) calendar days after the Superintendent or the
364 Superintendent's designee has notified a job applicant of a decision to hire
365 the applicant, or as soon thereafter as practicable, the Superintendent or
366 designee will provide the applicant with a packet containing all documents
367 and materials necessary for the applicant to be fingerprinted by the any State
368 of Connecticut law enforcement agency. This packet shall also contain all
369 documents and materials necessary for the police department to submit the
370 completed fingerprints to the State Police Bureau of Identification for the
371 processing of state and national criminal records checks. The
372 Superintendent or Superintendent's designee will also provide each
373 applicant with the following notifications before the applicant obtains the
374 applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal
375 Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3)
376 and the Federal Bureau of Investigation, United States Department of Justice
377 Privacy Act Statement.

378

379 2. No later than ten (10) calendar days after the Superintendent or the
380 Superintendent's designee has provided the successful job applicant with the
381 fingerprinting packet, the applicant must arrange to be fingerprinted by the
382 any State of CT law enforcement agency. Failure of the applicant to have
383 the applicant's fingerprints taken within such ten-day period, without good
384 cause, will be grounds for the withdrawal of the offer of employment.

385

386 3. Any person for whom criminal records checks are required to be performed
387 pursuant to this policy must pay all fees and costs associated with the
388 fingerprinting process and/or the submission or processing of the requests
389 for criminal records checks. Fees and costs associated with the

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

392

393 4. Upon receipt of a criminal records check indicating a previously undisclosed
394 conviction, the Superintendent or the Superintendent's designee will notify
395 the affected applicant/employee in writing of the results of the record check
396 and will provide an opportunity for the affected applicant/employee to
397 respond to the results of the criminal records check. The affected
398 applicant/employee may notify the Superintendent or Superintendent's
399 designee in writing within five (5) calendar days that the affected/employee
400 will challenge such individuals criminal history records check. Upon
401 written notification to the Superintendent or Superintendent's designee of
402 such a challenge, the affected applicant/employee shall have ten (10)
403 calendar days to provide the Superintendent or Superintendent's designee
404 with necessary documentation regarding the affected applicant/employee's
405 record challenge. The Superintendent or Superintendent's designee may
406 grant an extension to the preceding ten-day period during which the affected
407 applicant/employee may provide such documentation for good cause shown.

408

409 5. Decisions regarding the effect of a conviction upon an applicant/employee,
410 whether disclosed or undisclosed by the applicant/employee, will be made
411 on a case-by-case basis. Notwithstanding the foregoing, the falsification or
412 omission of any information on a job application or in a job interview,
413 including but not limited to information concerning criminal convictions or
414 pending criminal charges, shall be grounds for disqualification from
415 consideration for employment or discharge from employment.

416

417 6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no
418 decision to deny employment or withdraw an offer of employment on the
419 basis of an applicant/employee's criminal history record shall be made
420 without affording the applicant/employee the opportunities set forth in
421 paragraph III.A.4 of this policy, above.

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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.

454 V. Credit Checks

455

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

470

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

477

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

486 the information in the consumer report. That notice must include the name, address
487 and phone number of the consumer reporting company that supplied the credit
488 report; a statement that the company that supplied the report did not make the
489 decision to take the unfavorable action and cannot provide specific reasons for the
490 District's actions; and a notice of the person's right to dispute the accuracy or
491 completeness of any information the consumer reporting company furnished, and to
492 get an additional free report from the company if the person asks for it within sixty
493 (60) calendar days.
494

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496 VI. Notice of Conviction

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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

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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

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3. require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to join a group affiliated with any personal online account of the applicant.

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- B. The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:

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

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

542

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- C. In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access the applicant's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

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

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

557

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

561

562 IX. Policy Inapplicable to Certain Individuals

563

564 This policy shall not apply to:

565

566 A. A student employed by the District who attends a District school.

567

568 B. A person employed by the District as a teacher for a noncredit adult class
569 or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is
570 not required to hold a teaching certificate pursuant to Conn. Gen. Stat.
571 § 10-145b for such position.

572

573 X. Falsification of Records

574

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

580

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

582 Conn. Gen. Stat. § 10-221d

583 Conn. Gen. Stat. § 10-222c

584

585 Conn. Gen. Stat. § 31-40x

586

587 Conn. Gen. Stat. § 31-51i

588

589 Conn. Gen. Stat. § 31-51tt

590

591 Public Act 19-91, "An Act Concerning Various Revisions and
592 Additions to the Education Statutes."
593

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

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3
4 ***Purpose***
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6 It is the policy of the Madison Board of Education (the “Board”) to recruit and hire qualified
7 applicants for employment within the Madison Public Schools (the “District”), while
8 avoiding both nepotism and the appearance of nepotism.
9

10
11 ***Definitions***
12

13 **“Immediate family”** means a spouse, child, parent, sister, brother, half-sister or half-
14 brother.
15

16 **“Relative”** means a sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-
17 in-law, son-in-law, step parent, aunt, uncle, niece, nephew, first cousin, grandparent, step
18 child, foster child, grandchild or individual living in the same household.
19

20 **“Familial relationship”** means a relationship between a member of one’s immediate
21 family or a relative, as defined within this policy.
22
23

24 ***Prohibitions on Hiring***
25

26 No relative or immediate family member of the Superintendent of Schools
27 (“Superintendent”) shall be hired to any position of employment.
28

29 No immediate family member of a Board member or any other district-level
30 administrator shall be hired to any position of employment.
31
32

33 ***Restrictions on Employment of Relatives***
34

35 No individuals shall be hired in a position of employment that would result in a
36 supervisory or evaluative relationship between a current employee and a relative.
37 No employee may be involved in the process of screening for advancement in the
38 application process, interviewing or hiring of his or her relatives.
39

40 Employees will not be hired, promoted, transferred or assigned to work in positions in the
41 same school or work unit or department in which a relative is already employed, unless
42 the Superintendent approves such an assignment in writing.
43

44 No administrator or supervisor shall supervise any of his or her relatives.
45

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.

90

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***

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

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111

Personnel – Certified & Non-Certified

(Current Policy) #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

#9710

School District Logo

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The Madison Board of Education (“the Board”) recognizes the importance of a logo as an identifier of the Madison Public Schools (“the District”). The Board shall adopt an official logo and/or mascot for the District. The Board shall retain final approval for all changes to the MPS District and Athletics Logos/Mascots and shall be approved with a 2/3 vote of all Board Members.

The logo shall appear on all documents intended for public circulation and all official forms of communication. All uses of the District logo or school-specific logos shall comply with the parameters set forth by the administration.

The Superintendent is authorized to develop regulations as required to support this policy.

#9710

School District Logo And / Or Motto

The school district logo will be given prominence in identifying the schools, departments and services of the Madison Public Schools. Specifically, it will appear on all documents generated in schools and administrative offices which are intended for public circulation, and on all official forms of communications.

These will include, but not be limited to, the following:

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|---------------------------|-------------------------------|
| Letterheads | Numbered forms |
| Pamphlets | Purchase Orders |
| Newsletters | Invoices |
| Public Notices | Checks |
| Advertisements | Curriculum Documents or other |
| Calendars | Copyrighted Publications |
| Video Presentations | Student Report Cards |
| Certificates and Diplomas | Board-owned Vehicles |

Individual schools or departments who wish to use local identifying symbols in their own publications, letterheads, etc., may do so provided the official Board Logo is also used. In such cases, the Board Logo will appear on the first or cover page of any multi-page document.

The Superintendent is authorized to issue procedures as may be necessary to support this policy.

Date of Adoption: 3/7/95

#9720

Guidelines for Use of District Logo / Board Members' Names

Guidelines are necessary to establish uniform use of the District Logo, Board of Education members' names, and use of the approved Equal Employment Opportunity statement that is printed on appropriate district publications. Therefore, it shall be the responsibility of the Superintendent to assure that all individuals responsible for the development and printing of district publications adhere to application of the following guidelines:

- Indication of the date of all publications shall be included on the publication;
- On any publications produced for general distribution, and at least once a year on all regular publications, the District's Equal Employment Opportunity statement should appear as follows:

The Madison Public Schools is committed to affirmative action and equal opportunity for employment. No student will, on the basis of race, color, creed, sex, handicap, national origin, or sexual orientation, be denied access to any appropriate educational program or activity provided by the District. The Title IX compliance coordinator and the Section 504 compliance coordinator is the Director of Special Educational and Regional Services.

- On any publications produced for employment purposes, the District's Affirmative Action statement should appear as follows:

The personnel policies, procedures, and practices of the Madison Public Schools will be administered to best assure equal employment opportunities for all applicants and employees. The District has identified and eliminated any personnel policies, procedures, or practices which discriminate on the basis of race, color, ancestry, national origin, gender, age, religion, handicap, political affiliation, sexual orientation, or status as a veteran and will continue to do so,

9720 (Continued)

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remaining vigilant against development of unlawful employment discrimination. The District will comply with all applicable state and federal laws and regulations prohibiting employment discrimination, and all contractors and vendors will be requested to do likewise.

- Names of Board of Education members serving at the time of a publication should appear in the following publications annually: Board Policies and Administrative Regulations manuals, student handbooks, school / faculty handbooks, Board meeting agendas, the district annual report, all district council and committee publications, professional publications for dissemination both within and without the district, and other such publications considered to be representative of the district.
- The District Logo should appear on district-printed publications prepared for distribution to the public;
- Names of Board of Education members serving at the time of publication should be published annually in at least the first issue of the parent / community newsletter and commencement programs; use of the logo on invitations is encouraged but not required; and
- Publications currently in print must be modified to conform with this regulation at the time they are reprinted.

Date of Adoption: 4/4/95