

Personnel—Certified/Non-Certified

Sexual and Other Forms of Harassment

Sexual harassment or any other form of harassment based on protected class status (including, but not limited to race, sex, color, national origin, religion, or disability) will not be tolerated in the Ledyard School District. The Board of Education strictly forbids any form of harassment by students, personnel, individuals under contract, or volunteers subject to the control of the Board. Employees who engage in harassment will be subject to discipline, up to and including termination.

Definitions

Sexual Harassment

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, advances or requests for sexual favors, insulting or degrading sexual remarks or conduct, threats or suggestions that an employee's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that employee, or conduct of a sexual nature which creates an intimidating, hostile or offensive working environment. Examples of sexual harassment include, but are not limited to:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, participation, or progress, or
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or educational decisions affecting the individual, or
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment, or
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other Forms of Harassment Based on Protected Class Status

For purposes of this policy, harassment of an employee based on protected class status other than sexual harassment consists of verbal or physical conduct when the harassing conduct is so severe, persistent or pervasive that it creates an intimidating, threatening or abusive working environment; the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work; or the harassing conduct otherwise adversely affects an individual's work performance.

Civil Rights Officer

Questions, complaints, and other matters concerning harassment will normally be handled by the Assistant Superintendent, who is designated as the District's Civil Rights Officer. The Civil Rights Officer is responsible for ensuring compliance with federal and state law and Board policy concerning sexual and other forms of harassment. In the alternative, such questions, complaints and other matters including but not limited to investigations may be referred directly to and handled by the Superintendent or his/her designee.

Training

Each year, or more frequently if the Board deems it appropriate, employees will receive training regarding sexual harassment and related matters. Such training may include a review of this regulation and procedures, discussion, films, or other activities.

Complaint Procedure

Employees who believe they have been victims of sexual or other forms of harassment are encouraged to promptly report such claims. Complaints will be investigated and corrective action will be taken as appropriate. Confidentiality, both of the complainant and the accused, will be respected by all persons involved, consistent with the Board's legal obligations and the necessity to investigate the allegations. Reprisals or retaliation as a result of the reporting of charges of harassment will not be tolerated. Reporting claims of harassment will not affect an employee's employment.

An employee who believes that he/she has been subjected to behavior that could constitute sexual or other forms of harassment should, whenever possible, immediately inform the alleged harasser that his/her behavior is unwelcome and unacceptable, and that such behavior must stop immediately. It is recognized, however, that the responsibility for ending the harassment rests with the harasser, not the victim.

An employee who believes that he/she has been subjected to sexual or other forms of harassment should next submit a written complaint to the Civil Rights Officer. If the Civil Rights Officer is the alleged harasser, the complaint should be forwarded directly to the Superintendent or his/her designee. Normally, complaints should be made immediately, or as soon after the act of harassment as possible. Complaint forms are available from the Civil Rights Officer, guidance office, building principal, and the Superintendent. The complaint should state the name of the complainant and the date of the complaint, the date of the alleged harassment, the name or names of the harasser or harassers, where such harassment occurred, and a statement of the circumstances constituting the alleged harassment.

Any employee who makes an oral complaint of harassment to personnel will be provided a copy of this policy and a complaint form, and will be encouraged to submit a written complaint. Failure to provide a written complaint will not, however, preclude investigation and attempted remediation, if necessary, of the complaint. All complaints are to be forwarded immediately to the Civil Rights Officer unless that individual is the alleged harasser, in which case the complaint should be forwarded directly to the Superintendent or his/her designee.

Investigation

Within ten (10) working days of receipt of a complaint or as soon thereafter as possible, the Civil Rights Officer, or other personnel as appropriate, shall commence an investigation. The investigation should normally include consultation with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser or harassers, any witnesses to the conduct, and any victims of similar conduct, if known. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

At the conclusion of the investigation, the investigator shall provide a written report to the Superintendent, or other appropriate personnel, summarizing the results of the investigation and recommended disposition of the matter. Under normal circumstances, the Superintendent will respond to the investigation within ten (10) business days after receiving notification of the results from the investigator. If there is reasonable cause to believe that sexual or other forms of harassment have occurred, the Superintendent or his/her designee shall take all reasonable steps to ensure that the harassment ceases and will not re-occur. Steps may include discipline of employees, up to and including termination of employment.

If the complainant is not satisfied with the resolution of his/her complaint, he/she can appeal to the Board of Education. The appeal must include a copy of the original complaint, the specific action or inaction being appealed and a proposed resolution.

Following a finding of harassment, victims may be periodically interviewed by the appropriate supervisor as necessary to ensure that the harassment has not re-occurred and that no retaliation has occurred. Such review will continue for a period of time deemed appropriate by the Civil Rights Officer and/or the Superintendent.

Dissemination, Posting and Discussion of Policy

This policy shall be discussed with employees at least annually and more often as needed. This policy shall be posted in prominent and accessible locations in each school building.

Alternate Complaint Procedures

In addition to filing a harassment complaint through the procedures set forth in this policy, an employee may choose to exercise other options, including but not limited to filing a complaint with an outside agency or filing a private lawsuit. A charge of harassment may be investigated by the Office for Civil Rights of the United States Department of Education, which may be contacted as follows:

Office for Civil Rights/U.S. Department of Education *
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921
Telephone # (617) 289-0111 E-mail: ocr.boston@ed.gov

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000 *et seq.*, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681

Policy Adopted: May 5, 1993
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LEDYARD PUBLIC SCHOOLS
Ledyard, Connecticut

**SEXUAL HARASSMENT IS ILLEGAL AND IS PROHIBITED
BY
THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT
(Section 46-60(a)(8) of the Connecticut General Statutes)
AND
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United States Code Section 2000e et seq.)**

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Such conduct may further constitute illegal harassment if based upon other protected class status including: race, color, religious creed, age, sex, pregnancy, national origin, past or present history of mental disorder, mental retardation, physical disability, marital status, ancestry and sexual orientation. Any harassment based on protected class status will not be tolerated.

Examples of SEXUAL HARASSMENT include:

UNWELCOME SEXUAL ADVANCES; SUGGESTIVE OR LEWD REMARKS; UNWANTED HUGS, TOUCHES, KISSES; REQUESTS FOR SEXUAL FAVORS; RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT; DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS OR DRAWINGS

Remedies for SEXUAL HARASSMENT may include:

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

Individuals who engage in acts of sexual harassment or harassment based on protected class status may also be subject to civil and criminal penalties.

Contact the Civil Rights Officer if you have questions or concerns or believe that you or others are being harassed. Please refer to the policies of the Ledyard Board of Education concerning sexual and other forms of harassment and complaint procedures (Policy 4118 for Personnel and Policy 5145.5 for Students).

If you feel that you have been discriminated against, contact the **Connecticut Commission on Human Rights and Opportunities**, 21 Grant Street, Hartford, Connecticut 06106.* (Telephone Number: 860 541-3400). Connecticut law requires that a formal written complaint be filed with the Commission within 180 days of the date when the alleged harassment occurred.

If you need additional information, contact the **Permanent Commission on the Status of Women**, 18-20 Trinity Street, Hartford, Connecticut 06106.* (Telephone Number: 860 240-8300).