

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination**

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the American With Disabilities Act, the Stonington Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

### **Equal Employment Opportunity**

Both federal and state law prohibits discriminatory practices in hiring and employment. The Board of Education prohibits discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the Stonington Board of Education does not discriminate on the basis of race, color, religious creed, age, veterans' status, genetic information, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, pregnancy, physical disability or any classification protected by law, past or present history of mental disorder, intellectual disability, learning disability, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations physical disability (including blindness) or other disability (except in the case of a bona fide occupational qualification or need.)

#### **Alternate Language:**

*The Board of Education shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association. Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operations of the District.*

### **Equal Education Opportunity**

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the Stonington Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities and shall not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, or for any reason not related to his/her individual capabilities.

The Civil Rights Coordinators for the Stonington Board of Education have the responsibility to monitor the compliance of this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

**Personnel -- Certified/Non-Certified**

**Nondiscrimination**

**Equal Education Opportunity** (continued)

Students shall not be discriminated against, including but not limited to, in the areas of:

- Admission
- Use of School Facilities
- Vocational Education
- Competitive Athletics
- Student Rules, Regulations and Benefits
- Financial Assistance
- School-sponsored Extracurricular Activities
- Enrollment in Courses
- Counseling and Guidance
- Physical Education
- Graduation Requirements
- Treatment as a Married and/or Pregnant Student
- Health Services
- Most Other Aid, Benefits or Services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

- Hiring and Promotion
- Compensation
- Job Assignments
- Leaves of Absence
- Fringe Benefits
- Labor Organization
- Contracts or Professional Agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any **unwelcome** sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination**

#### **Equal Education Opportunity (continued)**

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but not be limited to:

Inappropriate Touching	Sexually explicit comments
Sexual name calling	Sexual rumors
Inappropriate public display of affections	Overly personal a conversation
Gestures	Corner/blocking
Sexually explicit jokes/cartoons/pictures	Leers
Pulling at clothes	Attempted rape/rape
	Harassing telephone calls

If an employee believes that he or she has been discriminated against in regard to either of the preceding policies, a grievance may be filed charging that the employee's personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, the need for a reasonable accommodation, or wish to discuss or file a grievance, should contact, the District's Civil Rights Coordinators, or an administrator.

Forms are available in our Guidance Office or from our Civil Rights Coordinators. Contact with the Civil Rights Coordinators should take place within forty (40) calendar days of the alleged occurrence.

#### **Discrimination Grievance Procedure**

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Stonington Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

**Level I:** The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

**Personnel -- Certified/Non-Certified**

**Nondiscrimination**

**Discrimination Grievance Procedure** (continued)

**Level II:** The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

**Level III:** Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

**Level IV:** The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Legal Reference: Connecticut General Statutes  
10-153 Discrimination on account of marital status.  
46a-60 Discriminatory employment practices prohibited.  
P.A. 11-55 An Act Concerning Discrimination  
Federal Law  
Title VII of the Civil Rights Act 1964  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).  
American Disability Act of 1989, as amended by the ADA Amendments Act of 2008  
*Chalk v. The United States District Court of Central California.*  
Title IX of the Education Amendments of 1972.  
Civil Rights Act of 1987.  
The Vietnam's Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212  
Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted: December 19, 2016

STONINGTON PUBLIC SCHOOLS  
Stonington, Connecticut