

## **Students**

### **Sexual Harassment**

It is the policy of the Stonington School District to maintain a learning and working environment that is free from sexual harassment. The school district therefore prohibits any form of sexual harassment in the workplace and school buildings, or at school-sponsored activities and events where staff and/or students are in contact with each other.

It shall be a violation of this policy for any student or employee of the district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy or as prohibited by law.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the district, provided that the harassment occurred in the workplace and/or school buildings, or at school-sponsored activities and events where staff and/or students are in contact with each other.

### **Definitions and Examples**

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical contact or communication of a sexual nature when:
- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
  - Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  - The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education environment.

Any sexual harassment as defined herein when perpetrated upon a student or staff member shall be treated as sexual harassment under this policy.

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#### **Definitions and Examples (continued)**

B. Sexual harassment may include but is not limited to:

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Inappropriate or unwelcome touching, patting, or pinching of a sexual nature
- Intentional brushing against a student's or an employee's body
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- Use of sexually or gender degrading words or comments, verbal or written (ex., graffiti)
- Display in the school, on school grounds, or at school-sponsored events or sexually suggestive behavior by a third party designated by the Superintendent.

In determining whether the alleged conduct constitutes sexual harassment, the school district shall consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constituted sexual harassment requires a determination based upon all facts and surrounding circumstances.

The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods, documents, or interviews deemed pertinent by the investigator.

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#### **Definitions and Examples (continued)**

In addition, the school district may take immediate steps at its discretion, to protect the complainant and/or other students and employees pending completion of an investigation of alleged sexual harassment.

The investigating party shall make a final written report, which shall include a recommendation as to the validity of the complaint, to the Superintendent upon completion of the investigation, but no later than (30) days from the initial receipt of the complaint. If the Superintendent is the subject of the complaint, the final report shall be submitted to the Board of Education.

#### **School District Action**

Upon receipt of the final written report, the Superintendent or his/her designee shall take appropriate action based upon the results of the investigation. If the Superintendent is the subject of the complaint, such action shall be taken by the Board of Education.

The result of the investigation of each complaint filed under these procedures shall be reported to the complainant and the accused by the Superintendent or his/her designee. If the Superintendent is the subject of the complaint, such report shall be made to the Board of Education. The report shall document any disciplinary action taken as a result of the complaint.

The district may take disciplinary action against any person found to have maliciously filed a false complaint.

#### **Reprisal Prohibited**

The district will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in the investigation, proceeding, or hearing related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

#### **Right to Alternate Complaint Procedures**

These procedures do not deny or limit the right of any individual to pursue other avenues of recourse which may include filing charges with the State Department of Human Rights, the Equal Employment Opportunity Commission, initiating civil action or seeking redress under the State Criminal Statutes and/or Federal Law.

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#### **Discipline**

Any school district action taken pursuant to this policy will be consistent with the requirement of applicable bargaining agreements, state law and school district policies. The school district shall take the disciplinary action it deems necessary and appropriate to end sexual harassment and to prevent its recurrence. Such disciplinary action may include, but is not limited to, the issuance of a warning, reprimand, counseling, suspension, or expulsion.

(cf. 4000.1/5145.44 – Title IX)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e2(a).

Equal Employment Opportunity Commission Policy Guidance (N915.035) on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 34 CFR Section 106.

Title IX Final Rule, May 6, 2020

*Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)

*Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26, 1998)

*Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26, 1998)

*Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

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

Connecticut General Statutes

46a60 Discriminatory employment practices prohibited.

Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted: September 10, 2009

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