

Personnel – Certified/Non-Certified

Non-discrimination/Equal Employment Opportunity

Non-discrimination

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 as amended, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987, and the American With Disabilities Act, the Amity Regional School District No. 5 (ARSD) Board of Education (Board) 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 prohibits discriminatory acts in all ARSD matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, ARSD Board does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, genetic information, gender identity or expression, disability (including pregnancy), status as a Veteran, or any classification protected by state or federal law 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).

Sexual Harassment 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 ARSD. The Board 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 of employment.

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; or threats or suggestions that an employee's submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, is used as the basis for employment decisions affecting such individual, or 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. Examples of sexual harassment include but are not limited to:

1. Pressure for sexual activity.
2. Repeated remarks with sexual or sexually demeaning implications.
3. Unwelcome or inappropriate touching.

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4. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an individual's employment status, benefits, duties or work assignments.

Harassment Based On Other 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 affects an employee's ability to work or creates an intimidating, threatening, or abusive work 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.

Title IX, Title VI and Section 504 Coordinators

Questions, complaints, and other matters concerning harassment will normally be handled by ARSD's Title IX, Title VI, and Section 504 Coordinators. The names and contact information for these individuals (Non-discrimination Coordinators) will be posted annually on the ARSD website. The Director of Pupil Personnel Services shall be responsible for identifying these individuals annually. Questions, complaints, and other matters including but not limited to investigations may be referred directly to The Director of Pupil Personnel Services.

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 individual's employment status, benefits, duties, or work assignments.

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. If it is not possible for the employee subjected to such behavior to immediately inform the alleged harasser that the alleged conduct is unwelcome and unacceptable, then the matter should be reported to the designated Non-discrimination Coordinators; and ARSD may take immediate steps at its discretion to protect the complainant, reporter, students, or others pending completion of an investigation.

Employees who believe they have been subjected to sexual or other forms of harassment may request an informal meeting with their immediate supervisor, unless the supervisor is the alleged

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harasser. In that event the employee may request a meeting with the appropriate supervisor in the next level of management. The purpose of such a meeting will be to discuss the allegations and appropriate remedial action. The supervisor will provide a written report of the incident including the remedial action to be taken to the designated Non-discrimination Coordinators or other appropriate administrator.

If the complaint is not resolved through the informal meeting described above, the supervisor will encourage the employee to file a written complaint with the Director of Pupil Personnel Services on the form provided for this purpose. If the Director of Pupil Personnel Services 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. 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 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 designated Non-discrimination Coordinator unless that individual is the alleged harasser, in which case the complaint should be forwarded directly to the Superintendent or his/her designee.

Investigation

As soon as possible after the receipt of a complaint the designated Non-discrimination Coordinator 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. If there is reasonable cause to believe that sexual or another form of harassment has occurred, the Superintendent or his/her designee shall take all reasonable steps to ensure that the harassment ceases and will not reoccur up to and including termination of the employment of the harasser or harassers.

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If the complainant is not satisfied with the resolution of his/her complaint, he/she can appeal to the Board. 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 reoccurred and that no retaliation has occurred. Such review will continue for a period of time deemed appropriate by the Non-discrimination Coordinator and/or the Superintendent.

Posting and Training

A copy of this policy should be provided to all employees upon hire. The Board shall post in a prominent and accessible location in each school building information concerning the illegality of sexual or other forms of harassment and remedies available to victims of harassment. The Board shall provide training and education to all new supervisory employees within six months of their assumption of a supervisory position. Such training shall include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment.

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 Connecticut Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, Connecticut 06106 (telephone number 566-3350; TDD number 566-2301). Connecticut law requires that a formal written complaint be filed with the Commission within 180 days of the date when the alleged harassment occurred.

(cf. 5145.5/4118.112 - Prohibition Against Sexual Harassment)

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-51 Definitions

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127)

46a-60 Discriminatory employment practices prohibited.

P.A. 11-55 An Act Concerning Discrimination

Federal Law

Title VII of the Civil Rights Act 1964

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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.

Title IX Final Rule, May 6, 2020

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

0521
4118.11
5131.911
5145.42
5145.45

Form

BULLYING/HARASSMENT/DISCRIMINATION COMPLAINT FORM

Please refer to the district website for complaints specifically related to sexual harassments at <https://www.amityregion5.org/district-information/title-ix>

Name of Complainant:

School of Attendance/Employment:

Date of Complaint:

Date of Alleged Incident:

Name(s) of Offender:

Name(s) of any Witnesses to Incident:

Where did Incident Occur?

Describe the incident(s) as clearly as possible, including:

- any specific verbal statements;
- what, if any, physical contact was occurred;
- what did you immediately prior to and immediately following the incident;
- why you believe the incident may have occurred; and
- any other information that would help in an investigation.

Complaint Received by:

Date of Receipt: