

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 Marlborough Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibit discriminatory practices in hiring and employment. It is the policy of the Marlborough Board of Education to prohibit acts of discrimination in all matters dealing with employees and applicants for positions with the school district and to further the principle of equal employment opportunity in all actions affecting employees and applicants. As an equal opportunity employer, the Marlborough Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, past or present history of mental disorder, mental retardation, 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), or veteran status.

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

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 Marlborough 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 Marlborough Board of Education designates the Superintendent as the Civil Rights Coordinator who has the responsibility to monitor the compliance of this policy. Further compliance with policy is a responsibility of all administrators.

Mission – Goals – Objectives

Nondiscrimination (continued)

Harassment

The Board strives to provide a safe, positive working climate for its employees. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, graphic, or physical conduct relating to an individual's race, color, religion, sex, sexual orientation, gender identity or expression, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities;
4. is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in district programs or activities; and
5. is used as the basis for decisions affecting the individual.

Mission – Goals – Objectives

Nondiscrimination

Harassment (continued)

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual;

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment. Each student shall be responsible to respect the rights of all students and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed. Individuals who engage in acts of harassment may also be subject to civil and criminal penalties.

The Board of Education designates the Superintendent, 25 School Drive, Marlborough, CT 06447, 860-295-6236, as the employee who will coordinate compliance with Titles VI, VII, IX and American with Disabilities Act including receipt and investigation of any complaint alleging non-compliance.

The Board of Education adopts the following complaint procedures in order to provide prompt and equitable resolution of employee/student complaints alleging any action which is prohibited under the terms of this policy:

1. Any employee/student who believes that he/she has been the victim of discrimination or harassment will report the alleged violation to and attempt resolution of the issue through the Principal of the building in which the incident has allegedly occurred. No more than ten (10) business days will pass between reporting of alleged violations and attempts to resolve the issues at the building level.
2. If resolution of the problem is not reached at that level, a written statement will be prepared by the building Principal and forwarded to the Superintendent of Schools within five (5) business days.
3. Upon receipt of the written decision, the Superintendent will, within fifteen (15) business days, attempt resolution of the issue. If no resolution can be reached, the Superintendent will provide a written statement to that effect to the Board of Education.

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Nondiscrimination

Harassment (continued)

4. Within twenty (20) business days of receiving the written statement from the Superintendent, the Board of Education will take formal action, and so notify the complainant of the decision within ten (10) business days following such action.

Any employee who believes that he or she has been harassed in the workplace in violation of this policy may also file a complaint with The Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford, CT 06106 (Telephone 860-541-3400 or 800-477-5737) and/or the Office for Civil Rights, Region 1, U.S. Department of Education, 33 Arch Street, Boston, MA 02110-1491 (Telephone 617-289-0111). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged harassment occurred. Remedies for harassment may include cease and desist orders, back pay, compensation damages, hiring, promotion or reinstatement.

The District shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment will not be tolerated within the school system.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the areas listed.

School and Classroom Practices:

1. **Curriculum and Materials:** Review curriculum guides, textbooks and supplementary materials for discriminatory bias.
2. **Training:** Ensure training for students and staff to identify and alleviate problems of nondiscrimination.
3. **Student Access:** Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

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Delegation of Responsibility (continued)

4. **Student Evaluation:** Review tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

Employment/Contract Practices:

Develop position qualifications, job descriptions and essential job functions, recruitment materials and practices, procedures for screening, interviewing and hiring, promotions and disciplinary actions, up to and including terminations.

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the student, employee or third party of the right to file a complaint and the complaint procedures.
2. Inform the student complainant that he/she may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

Complaint Procedure –Student/Employee/Third Party

Step 1 – Reporting

A student, employee or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to report the incident immediately to the Building Principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Building Principal.

If the Building Principal is the subject of the complaint, the student, employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the Building Principal. Oral complaints will be acceptable and the Building Principal will record any oral complaint on the report form.

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Complaint Procedure –Student/Employee/Third Party (continued)

Step 2 – Investigation

Upon receiving a complaint of discrimination, the Building Principal shall immediately notify the Compliance Officer, who shall then authorize the Building Principal to investigate the complaint, unless the Building Principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the incident. Other information and materials relevant to the investigation may also be evaluated.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or has been concluded.

Step 3 – Investigative Report

The Building Principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Copies of the report shall be provided to the complainant, the accused and the Compliance Officer.

Step 4 – District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur.

Disciplinary actions, in the case of students, shall be consistent with the school disciplinary practices, Board policies, administrative regulations, and state and federal laws.

Disciplinary actions, in the case of employees and third parties, shall be consistent with the Board policies, administrative regulations, state and federal laws, and applicable collective bargaining unit agreements.

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Complaint Procedure –Student/Employee/Third Party (continued)

Step 5 - Appeal Procedure

The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, he/she may submit a written appeal to the Compliance Officer within fifteen (15) days.

The Compliance Officer shall review the investigation and the investigative report and may also conduct an investigation.

The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Building Principal who conducted the initial investigation.

(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action)
(cf. 4118.11 – Nondiscrimination)
(cf. 4118.111 – Grievance Procedure-Title IX)
(cf. 4118.113/4218.113 – Harassment)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)
(cf. 5145.52 – Harassment)
(cf. 5145.6 – Student Grievance Procedure)
(cf. 6121 – Nondiscrimination)
(cf. 6121.1 – Equal educational Opportunity)

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
34 CFR Section 106.8(b), OCR Guidelines for Title IX.
Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
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)
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

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Legal Reference: (continued)
American Disability Act of 1989, as amended by the ADA Amendments Act of 2008.
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
10-15c Discrimination in public schools prohibited. School attendance by five-year olds (as amended by PA 21-2 §441.)
46a-51 Definitions (as amended by PA 17-127 and PA 21-2)
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. (as amended by PA 17-127)
10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and PA 11-55 to include “gender identity or expression”)
10-153 Discrimination on account of marital status.
10-153a Rights concerning professional organization and regulations.
17a-101 Protection of children from abuse.
10-209 Records not to be public.
P.A. 11-55 An Act Concerning Discrimination
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et. seq.
Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et. seq.
The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212
Title II of the Genetic Information Nondiscrimination Act of 2008
42 U.S.C. §2000ff; 29CFR1635.1 et. seq.
Age Discrimination in Employment Act, 29 U.S.C. §621
Americans with Disabilities Act, 42 U.S.C. §12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

Policy adopted:	August 25, 2005	MARLBOROUGH PUBLIC SCHOOLS
Policy reviewed:	June 18, 2009	Marlborough, Connecticut
Policy revised:	November 16, 2011	
Policy revised:	April 26, 2018	
Policy revised:	December 16, 2021	

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____
Home Address: _____
Home Phone: _____
Location: _____
Date of Alleged Incident(s): _____

Alleged harassment was based on: (Check all that apply.)

☐ Race	☐ Color	☐ National Origin	☐ Gender Identity or Expression
☐ Gender	☐ Disability	☐ Religion	☐ Status as Veteran
☐ Ancestry	☐ Age	☐ Sexual Orientation	

Name of person you believe violated the District's nondiscrimination policy:

If the alleged discrimination was directed against a person other than the complainant, identify the other person: _____

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

When and where incident occurred: _____

List any witnesses who were present: _____

This complaint is based on my honest belief that _____ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

Complainant's Signature

Date

Received By

Date

For Administrative Use Only:

Filed by

Date