

Personnel

Non-Discrimination

The Hamden Board of Education (the "Board") will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class"), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual's actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Hamden Public Schools (the "District"). The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual's erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

With respect to employees, it is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

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Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy#4000.1, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Gary Highsmith, Superintendent of Schools, ghighsmith@hamden.org, (203) 407-2000

C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

A veteran is any person honorably discharged from, released under honorable conditions from or released with another than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual

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orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

F. Race

The term 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.

G. Domestic Violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

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II. Reporting:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Gary Highsmith, Superintendent of Schools, in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel, which accompany this policy and are available online at <https://www.hamden.org/board-of-education/district-policies> or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy #4000.1, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy #4118.14, Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class, when District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to Gary Highsmith, Superintendent of Schools.

In addition to reporting to the Board, any employee also may file a complaint with the following:
Office for Civil Rights, U.S. Department of Education ("OCR"):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921

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(617-289-0111)

<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

Gary Highsmith, Superintendent of Schools, ghighsmith@hamden.org, (203) 407-2000

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Gary Highsmith, Superintendent of Schools, ghighsmith@hamden.org, (203) 407-2000

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Director of Pupil Personnel Services, (203) 407-2000

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101

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Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § 1-1n, "Gender Identity or Expression" defined

Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender or expression or marital status prohibited

Connecticut General Statutes § 27-103

Connecticut General Statutes § 31-51i

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

Connecticut General Statutes § 46a-80a

Connecticut General Statutes § 46a-81a, Sexual orientation discrimination: Definitions

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment

Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 22-82, "An Act Concerning Online Dating Operators, the Creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence"

Policy revised:

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Hamden Public Schools
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