

Policy 3.002.

Sexual Harassment

It is the policy of the Representative Council to maintain a learning and working environment that is free from sexual harassment. The Representative Council prohibits any form of sexual harassment. All complaints of sexual harassment will be investigated promptly in accordance with Administrative Procedures.

It shall be a violation of this policy for any student, employee, individual under contract, or volunteer subject to the control of the Representative Council to harass a student, employee, individual under contract, or a volunteer, through conduct or communication of a sexual nature as defined by this policy.

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal, non-verbal, or physical, including but not limited to, insulting or degrading sexual remarks or conduct, threats or suggestions that an individual's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that person's employment or education or that it will interfere in any way with a person's employment or education or create an intimidating, hostile, or offensive work or educational environment. Sexual harassment is prohibited regardless of the sex of the victim or that of the harasser.

Sexual harassment by a student, employee, individual under contract, or volunteer will result in disciplinary action up to and including dismissal or expulsion.

Legal References:

- 42 U.C.C. §2000(e) (Title VII)
- 29 C.F.R. §1604.11 (EEOC Guidelines on Sexual Harassment)
- 20 U.S.C. §1681-1688 (Title IX)
- Connecticut General Statutes §46a-60(a)(8)

ADOPTED: June 1, 2000

3.002A. Sexual Harassment Regulations

SEXUAL HARASSMENT

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal, written or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work performance, or of creating an intimidating, hostile or offensive work environment;
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and/or working conditions.

Such conduct constitutes unlawful sexual harassment and a violation of Representative Council Policy whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;

- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment;
- Inappropriate attention of a sexual nature.

Such conduct constitutes sexual harassment regardless of the sex of the victim or the harasser.

Sexual or romantic relationships between C.E.S. employees and students are unacceptable whether or not they constitute sexual harassment as defined in this regulation. Further, any conduct of an employee toward a student which could constitute sexual harassment of the student by the employee will constitute a violation of Representative Council policy and this regulation.

REVISED: June 1, 2000

Date Received in Central Office: _____

_____ DEPARTMENT

SEXUAL HARASSMENT COMPLAINT FORM

Please complete:

Complainant's
Name: _____ Date: _____

Name/s of Alleged
Harasser/s: _____

Date(s) of Alleged Harassment: _____

Statement of the circumstances on which the alleged harassment occurred:

Complainant's Signature: _____

Complainant's Home Phone Number: _____

Complainant's Home Address: _____

Date Signed: _____

Complaint Procedure

An employee who feels he or she has been the victim of sexual harassment may process a complaint in accordance with the following complaint procedure:

STEP I- INFORMAL LEVEL

The complainant may request a meeting to discuss the complaint with the program administrator of his or her school or program in an effort to resolve the matter informally. In the event the employee is uncomfortable, for any reason, with discussing the matter with the program administrator, he/she may discuss the complaint with the Executive Director. The Executive Director shall meet with the complainant to discuss the complaint, but in no event shall the meeting be held later than fourteen (14) days from the date the request for the meeting is received.

STEP II – FORMAL LEVEL

If the complainant is not satisfied with the disposition of his or her complaint at the informal level, he or she may file a formal complaint with the Executive Director. An employee need not have brought an informal complaint before filing a formal written complaint. Complaint forms may be obtained from the Personnel Office. The written complaint shall state the name of the complainant and the date of the complaint, the date(s) of the alleged harassment, the name or names of the alleged harasser or harassers, the name or names of any witnesses, and a statement of the circumstances in which the alleged harassment occurred. All formal complaints must be filed within sixty (60) days from the alleged violation. Upon the filing of a written complaint, the complainant shall be provided with a copy of this regulation.

The Executive Director shall schedule a meeting promptly with the complainant to discuss the complaint but in no event shall the meeting be held later than fourteen (14) days from receipt of the formal complaint. Upon completion of an investigation but in no event later than fourteen (14) days after meeting with the complainant, the investigator shall render a written decision to the complainant as to the disposition of the complaint. The time for rendering a written decision may be extended if the official investigating the complaint determines that such extension is necessary for a thorough investigation and fair resolution of the complaint.

If the report results in a determination that sexual harassment has occurred, appropriate action shall be taken to ensure that the harassment ceases and will not reoccur. Appropriate action may include re-assignment, transfer, and/or disciplinary action up to and including termination of the employment of the harasser.

No adverse action will be taken against an employee for filing a complaint of sexual harassment or who cooperates in investigating allegations of sexual harassment.

A copy of the sexual harassment policy, administrative regulation and complaint procedure will be distributed to all new employees at the start of their employment and to all employees on an annual basis. New and existing employees shall acknowledge in writing, on a form developed by the administration, the receipt of the policy, regulation and complaint procedure. In addition, a copy of the policy, regulation and complaint procedure will be posted in each building. A copy of the signed form acknowledging receipt of the policy, regulation, and complaint procedure shall be maintained as part of each employee's personnel file.