

## EXPLOITATION/SEXUAL HARASSMENT

### **General**

Sexual harassment will not be tolerated among students of the school district, and any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers in the schools. Students shall exhibit conduct which is respectful and courteous to employees, to fellow students, and to the public.

### **Definition**

Sexual harassment is any unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to:

1. insulting or degrading sexual remarks or conduct;
2. threats or suggestions that a student's submission to, or rejection of, unwelcome conduct will in any way influence a decision regarding that student;
3. conduct of a sexual nature which substantially interferes with the student's learning or creates an intimidating, hostile, or offensive learning environment---such as the display in the educational setting of sexually suggestive objects or pictures.

### **Complaints Procedures**

The Board of Education encourages victims of sexual harassment to report such claims promptly to the Superintendent of Schools or designee. Complaints shall be investigated promptly and corrective action taken when allegations are verified. Confidentiality shall be maintained and no reprisals or retaliation shall occur as a result of good faith charges of sexual harassment.

The district shall provide staff development for district administrators and other staff and annually shall distribute this policy to staff and students.

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).  
Equal Employment Opportunity Commission Policy Guidance (N-915.035)  
Current Issues of Sexual Harassment, effective 10/15/88.  
Title IX of the Education Amendments of 1972, 34 CFR Section 106.  
*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)  
Connecticut General Statutes  
46a-60 Discriminatory employment practices prohibited.  
Constitution of the State of Connecticut, Article I, Section 20.

Administrative Regulations to Policy 5145.5  
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Sexual harassment is prohibited in the school system. Sexual harassment may consist of, but is not limited to:

1. Submission to, or rejection of, conduct as the basis of academic decisions affecting the individual.
2. Sexual conduct having a negative purpose or affect upon an individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
3. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, pictures, or cartoons.
4. Continuing to express sexual interest after being informed that the interest is unwelcome.
5. Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits, or services (e.g. scholarships, financial aid, work study job).
6. Inappropriate attention of a sexual nature from peer(s), i.e. student to student, employee to employee.

**Complaint Procedure**

1. If a student believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.
2. As soon as the student feels that he or she has been subjected to sexual harassment, he or she should make a written complaint to the appropriate school personnel, or the Principal or his/her designee. The student will be provided a copy of this policy and regulation and made aware of his or her rights.
3. The complaint should state that:
  - (a) Name of complainant;
  - (b) Date of complaint;
  - (c) Date of alleged harassment;

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- (d) Name or names of alleged harasser or harassers;
  - (e) Location where such alleged harassment occurred;
  - (f) Detailed statement of the circumstances constituting the alleged harassment.
4. Any student who makes an oral complaint of harassment to any of the above mentioned personnel will be provided a copy of this regulation and requested to make a written complaint as outlined above.
  5. All complaints are to be forwarded immediately to the Principal or designee --- unless that individual is the subject of the complaint in which case the complaint should be forwarded directly to the Superintendent or designee.
  6. If possible, within five (5) working days of receipt of the complaint, the staff member assigned to investigate the complaint shall commence an effective, thorough, objective and complete investigation. The investigator shall consult with individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discretely, maintaining confidentiality as possible while still conducting an effective and thorough investigation. Throughout the investigative process, due process rights of the alleged harasser will be protected.
  7. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to others directly concerned.
  8. If the student complainant is dissatisfied with results of an investigation, he or she may file a written appeal to the Superintendent or designee who shall review the investigator's written report, information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent or designee may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond as soon as possible in writing to the complainant.

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If after a thorough investigation, there is a reasonable cause to believe that sexual harassment has occurred, the district shall take reasonable actions to ensure the harassment ceases and will not recur. Actions taken in response to findings of harassment may include reassignment, transfer, or disciplinary action, or warnings that appropriate action shall be taken if further acts of harassment or retaliation occur.

Copies of this regulation will be distributed to all middle and high school students.

Legal Reference: Civil Rights Act of 1864, Title VII, 42 U.S.C. 2000-e2(a).  
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