

## **Personnel – Certified/Non-Certified Students**

### **Sexual Harassment**

It is the policy of the Board of Education to prohibit any form of sexual harassment. Board of Education personnel and students are to be respectful of the rights of others at all times. Any student or employee who engages in conduct prohibited by this policy will be subject to disciplinary action.

The Superintendent of Schools, or his/her designee, will develop administrative regulations implementing this policy.

### **Definition**

Sexual harassment shall include unwelcome sexual advances, direct or indirect demands or requests for sexual favors, sexual comments, and gestures or other physical actions of a sexual nature.

Sexual harassment occurs when:

1. Submission to such conduct becomes either explicitly or implicitly a condition of an individual's employment or education; or
2. Such conduct is severe, persistent, or pervasive, and has the effect of limiting an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.

### **Procedure**

Victims of sexual harassment should promptly report claims of sexual harassment to the appropriate individual as set forth in the administrative regulations of this policy. The administration will investigate such complaints promptly and take corrective action where appropriate. The district will maintain confidentiality to the extent possible. The Board of Education will not tolerate reprisals or retaliation that occurs as a result of the good faith reporting of such claims of sexual harassment. Such action will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this policy and the administrative regulations to personnel and students in an effort to maintain an environment free of sexual harassment.

## **Personnel – Certified/Non-Certified Students**

### **Sexual Harassment**

Legal References: United States Constitution, Article XIV  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*  
Title IX of the Education Amendments of 1972, 34 C.F.R 106.1, *et seq.*  
Gebser v. Lago Vista Independent School District, 524, U.S. 274 (1998)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999) Office  
for Civil Rights, U. S. Department of Education, Revised Sexual  
Harassment Guidance: Harassment of Students by School Employees,  
Other Students, 66 Fed. Reg. 5512  
Office for Civil Rights, U.S. Department of Education, *Revised Sexual  
Harassment Guidance: Harassment of Students by School Employees,  
Other Students, or Third Parties* 66 Fed. Reg. 5512 (January 19, 2001).  
Constitution of the State of Connecticut, Article I, Section 20

Policy adopted: May 19, 2015

AVON PUBLIC SCHOOLS  
Avon, Connecticut

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### **Sexual Harassment**

#### **Complaint Procedure**

1. Employees and students who believe that they are the subject of sexual harassment should immediately submit a written complaint to the Principal or the Superintendent of Schools. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may complete the written complaint on behalf of the student.
2. The written complaint will include:
  - a. Name of the complainant;
  - b. Date of the complaint;
  - c. Date(s) of the alleged harassment;
  - d. Name(s) of the harasser(s);
  - e. Location where such harassment occurred;
  - f. Names of any witness(es) to the harassment;
  - g. Detailed statement of the circumstances constituting the alleged harassment.
3. If the complainant is a minor student, the Principal or Superintendent of Schools, or his/her designee, should also consider the appropriateness of completing a child abuse report.
4. Employees and students will submit all complaints to the Principal unless that individual is the subject of the complaint, in which case they should submit the complaint to the Superintendent of Schools.
5. Upon receipt of a written sexual harassment complaint, the Principal or Superintendent of Schools, or his/her designee, will promptly commence an investigation into the complaint. The investigation will be discrete and will maintain confidentiality insofar as possible while still conducting a thorough and effective investigation.
6. The administrator will complete a written report summarizing the results of the investigation and the proposed disposition of the matter and share it with the person who filed the complaint.
7. Complainants who are dissatisfied with the findings of the investigation and the recommended disposition of the complaint may file a written appeal to the Superintendent of Schools or his/her designee. If that individual is the subject of the complaint, the complainant may file an appeal with the Chairperson of the Board of Education, who will designate an individual to handle the appeal. The Superintendent of Schools, or his/her designee, will review the Principal's report and recommended disposition of the complaint, and determine whether the alleged conduct constitutes sexual harassment. The Superintendent of Schools or his/her designee will respond to the complainant, in writing, as soon as possible.

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### Sexual Harassment

#### Complaint Procedure (continued)

8. If after a thorough investigation, there is reasonable cause to believe that sexual harassment has occurred, the administration will take corrective action to ensure that the harassment ends.

#### Sanctions

1. Any employee engaging in an action or conduct found to constitute sexual harassment will be subject to appropriate disciplinary action up to and including termination of employment.
2. Any student engaging in an action or conduct found to constitute sexual harassment will be subject to appropriate disciplinary action up to and including expulsion.
3. The Board of Education will also discipline, up to and including termination of employment or expulsion of a student, any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes any form of intimidation, reprisal or harassment.

Legal References: United States Constitution, Article XIV  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*  
Title IX of the Education Amendments of 1972, 34 C.F.R 106.1, *et seq.*  
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**AVON BOARD OF EDUCATION**  
**SEXUAL HARASSMENT REPORT FORM**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or harassment

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Proposed remedy \_\_\_\_\_