NEW HAVEN PUBLIC SCHOOLS
SEXUAL HARASSMENT POLICY & PROCEDURE

Sexual harassment is a form of sexual discrimination. Sexual harassment and sexual violence are prohibited under both Federal and State Title IX laws.

Should sexual harassment be alleged, it is the policy of the New Haven Board of Education that the allegations(s) shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the issue shall be expeditiously and appropriately addressed. Teachers and other school staff who witness or receive reports of sexual harassment are required to notify the appropriate administrator within one (1) school day. No form of sexual harassment will be tolerated in the New Haven Public Schools.

DEFINITION

Sexual harassment is defined as any unwelcome sexual advances or request for sexual favors or any verbal, nonverbal or physical conduct of a sexual nature when such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, or creating an intimidating, hostile or offensive working or academic environment; when submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or her/his academic status or progress. Sexual harassment is not limited to prohibited behavior by a male toward a female, or by a supervisory employee toward a non-supervisory employee, or a teacher to a student. Harassment may be student to student, teacher to student, student to teacher or teacher to teacher. The victim does not have to be the opposite sex of the harasser. The gender of the complainant and/or the alleged harasser is irrelevant, even if they are of the same gender. Sexual harassment based on sexual orientation or gender identify is also prohibited under State law.

Sexual harassment can involve staff members, students, vendors, independent contractors, volunteers, or parents.

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment can be verbal, non-verbal, physical or via the use of technology, including but not limited to email, instant messaging, web pages, and digital photos. Behaviors that have been found to comprise sexual harassment are:

- telling sexual jokes or stories;
- making sexual comments about a person’s clothing, anatomy, or appearance; repeatedly asking out a person who is not interested
- telling lies, spreading rumors, or gossiping about a person’s personal sex life
- whistling, cat calls, making kissing sounds, smacking lips, howling;
- following a person or blocking a person’s path
• displaying sexually explicit or suggestive posters, cartoons, pictures, calendars or other similar materials
• making sexual gestures with hands or through body movements
• giving gifts of a personal or suggestive nature
• unwanted touching of a person or their hair or clothing
• unwanted hugging, kissing, patting or stroking
• touching or rubbing oneself sexually around another person
• standing close to or brushing up against a person
• requesting sexual favors in exchange for employment or academic benefits or to avoid negative employment or academic consequences
• assault
• attempted rape
• rape

Title IX protects students from sexual harassment in a school’s education programs and activities. This protection extends to students in connection with all academic, educational, extracurricular, athletic, and other programs, whether those programs take place in a school’s facilities, school bus, or training program sponsored by the school at another location.

If a student files a complaint with the school regardless of where the conduct occurred, the school must process the complaint in accordance with New Haven Public Schools established procedures. Schools should consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. The school should take steps to protect a student who was assaulted off campus from further sexual harassment or retaliation from the perpetrator and his or her associates.

Regardless of whether a harassed student, his or her parent, or a third party files a complaint under the district’s grievance procedures or otherwise requests action on the student’s behalf, a school that knows, or reasonably should know, about possible harassment must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

In cases involving the police and a criminal investigation, schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting.

**ADULT ALLEGED HARASSER**

COMPLAINT PROCEDURE

The purpose of the following procedure is to ensure that the New Haven School district remains in compliance with State and Federal laws regarding discrimination and sexual harassment. All the proceedings shall be kept confidential to the extent consistent with the Board’s obligations under law and its obligations to investigate.
Informal Process

Prior to the filing of a formal sexual harassment complaint, an individual may seek resolution through an informal process. This avenue may be appropriate in situations where possible miscommunication has occurred, or where thoughtless, unintentional behavior has caused distress. Under the informal process, the individual should immediately inform the other party that the behavior is unwelcome, offensive or inappropriate. Such communication may be oral or in writing, should include a description of the offensive behavior and a request that such behavior cease. It is strongly recommended that, regardless of the manner employed to address the issue of harassment the victim should keep detailed written notes on all incidents which the individual believes comprise sexual harassment. This informal process is discretionary on the part of the individual who believes she/he has been harassed and is not a required part of the Board of Education’s Compliant Procedure which may be commenced as described below. *The complainant has the right to end the informal process at any time and begin the formal stage of the complaint process.*

Formal Process

Any employee or applicant for employment who wishes to register a complaint alleging discrimination or sexual harassment in the New Haven Public Schools system may file such a complaint with her/his relevant principal, Title IX Building Coordinator or the Director of Human Resources. Any student, parent or guardian who wishes to register a complaint alleging discrimination or sexual harassment in the New Haven Public School system may file a complaint with the relevant principal, Title IX Building Coordinator or the Director of Human Resources. Upon filing of a complaint, a thorough and objective investigation of all allegations will be undertaken *within 7 days.* Principals or Title IX Coordinators receiving a complaint at the school level, must forward a copy of the complaint to the Director of Human Resources within one (1) day of receiving the complaint. In cases involving allegations of sexual assault, mediation will not be used to resolve such complaints.

Upon the filing of a complaint, a thorough and objective investigation of all allegations will be undertaken. The investigation may involve all individuals reasonably believed to have relevant information including the complainant, the individual accused in the complaint, witnesses, and individuals who are alleged to have been the victims of similar conduct. The Director of Human Resources shall make a written report with the results of the investigation and recommendations for the disposition of the matter to the Superintendent of Schools. Copies shall be provided to the complainant and the individual accused in the complaint. The Superintendent of Schools shall take action as she/he deems appropriate, which action may include a recommendation to the Board that an employee who has been determined to have committed sexual harassment be terminated from her/his employment. The Board shall act upon such a recommendation in executive session, subject to the rights of tenured certified employees to have a hearing before an impartial hearing panel or the right under the Connecticut Freedom of Information Act of a public employee, to require such meeting to take place in public session. *Written notification must be submitted within 48 hours to both parties, informing them of the outcome of the complaint or any appeals.*
In response to incidents of sexual harassment, the Superintendent of Schools, in her/his discretion, may take any of the following actions:

- reprimand or warning;
- reassignment;
- transfer;
- suspension of recommendation of suspension to the Board
- demotion or recommendation of demotion to the Board;
- expulsion (student) in accordance with applicable
- recommendation to the Board of termination of employment;
- termination of contract

At all times during the Complaint Procedure, the representatives of the New Haven Public Schools should be cognizant of and endeavor to protect the legal rights of all parties involved. Additionally, confidentiality shall be maintained to the extent consistent with the Board’s obligations under a law and its obligations to investigate.

**Appeal Process**

An employee who wishes to appeal the decision and disciplinary action may do so in accordance with the appropriate provisions of his/her collective bargaining contract. The timeframes for such appeals are set by collective bargaining agreements and vary by contract.

Nonunionized employees exempt from representation by a City recognized union, who wish to appeal a decision and disciplinary action, should submit a letter of appeal to the Department Head within seven (7) business days. A copy of the letter to the Department Head should be sent to the City of New Haven Director of Labor Relations. The Department Head shall respond to the grievance in writing. If the response of the Department Head is not satisfactory, the employee may write to the City of New Haven Director of Labor Relation, explaining the problem and decision. The employee should include with his letter a copy of the Department Head’s reply.

This Complaint Procedure is not exclusive and complainants may have additional legal rights, including the right to file charges with the Connecticut Commission on Human Rights and Opportunities, the Equal Employment Opportunity Commission and/or United Stated Department f Education.

All employees, student and parents shall be provided with copies of this policy concerning sexual harassment, through individual distribution or through publication in employee and student handbooks or other similar publications. Further, copies of this policy will be distributed to individuals and organizations having cooperative agreements with the New Haven Public School system, including, but not limited to, non-employees such a vendors, independent contractors, and volunteers.

This procedure will be reviewed and updated periodically. Education and training sessions which define sexual harassment and explain this procedure will be offered to all supervisory employees as required by State law and shall be offered to other staff members and students as deemed advisable by the Board of Education.
Nothing in this policy shall be deemed to override inconsistent, but applicable provisions of any collective bargaining agreement between the Board and a collective bargaining representative of its employees.

State and Federal law also prohibits harassment of employees on the basis of their race, color, religious creed, age, marital status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, including but not limited to blindness or their sexual orientation. This policy’s emphasis on sexual harassment should not be construed as implying that these other forms of harassment are less important than harassment on the basis of sex. No form of harassment will be tolerated in the New Haven Public Schools.

**STUDENT ALLEGED HARASSER**

**COMPLAINT PROCEDURE**

*The purpose of the following procedure is to ensure that the New Haven school district remains in compliance with State and Federal laws regarding discrimination and sexual harassment. All the proceedings shall be kept confidential to the extent consistent with the Board’s obligations under law and its obligations to investigate.*

**Informal Process**

*Prior to the filing of a formal sexual harassment complaint, an individual may seek resolution through an informal process. This avenue may be appropriate in situations where possible miscommunication has occurred, or where thoughtless, unintentional behavior has caused distress. Under the informal process, the individual should immediately inform the other party that the behavior is unwelcome, offensive, in poor taste or inappropriate. Such communication may be oral or in writing, should include a description of the offensive behavior and a request that such behavior cease. It is strongly recommended that, regardless of the manner employed to address the issue of harassment the victim should keep detailed written notes on all incidents which the individual believes comprise sexual harassment. This informal process is discretionary on the part of the individual who believes she/he has been harassed. The complainant has the right to end the informal process at any time and begin the formal stage of the complaint process.*

**Formal Process**

*A student, parent or guardian who wishes to register a complaint alleging sexual harassment in the New Haven Public Schools system may file such a complaint with the relevant principal, Title IX Building Coordinator or District Title IX Coordinator.*

*Upon filing of a complaint, a thorough and objective investigation of all allegations will be undertaken. The investigation may involve all individuals reasonably believed to have relevant information including the complainant, the individual accused in the complaint, witnesses, and individuals who are alleged to have been the victims of similar conduct. In cases involving allegations of sexual assault, mediation will not be used to resolve such complaints. The investigator shall make a written report of the results of the investigation and the disposition of the matter, or recommendations for the disposition of the matter, to*
the District Title IX Coordinator. The complainant and individual accused shall be notified of the findings of the investigation within 48 hours of completing the investigation. Notification shall include a description of the investigation, conclusion based on the investigation, and or/action taken.

At all times during the Complaint Procedure, the representatives of the New Haven Public Schools should be cognizant of and endeavor to protect the legal rights of all parties involved. Additionally, confidentiality shall be maintained to the extent consistent with the Board’s obligations under law and its obligations to investigate.

Appeal Process

A student, parent or guardian who wishes to appeal the decision and disciplinary action administered at the school level, may file a formal appeal of the decision. This appeal must be made in writing and submitted within seven (7) school days to the District Title IX Coordinator, who shall conduct a thorough and objective investigation. The investigator shall make a written report of the results of the investigation and recommendations for the disposition of the matter to the Superintendent of Schools. Copies shall be provided to the complainant and the individual accused in the complaint, informing them of the outcome of the complaint or any appeal.

In response to incidents of sexual harassment, disciplinary action will be administered within the existing guidelines for New Haven Public Schools and recognized authority of the New Haven Board of Education.

NOTE:
Student vs. Student allegation: Formal complaints must be recorded on the Internal School Bullying Report Form
Adult vs. Student allegation: Formal complaints must be recorded on the Sexual Harassment Complaint Form
Student vs. Adult allegation: Formal complaints must be recorded on the Sexual Harassment Complaint Form
Adult vs. Adult allegations: Formal complaints must be recorded on the Sexual Harassment Complaint Form

TEXT OF RELEVANT LAWS

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (Federal)
“No person in the United States Shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance...”

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (FEDERAL)
“It shall be an unlawful employment practice for an employer:
   1. to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s ...sex...; or,
   2. to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual’s ...sex...”

CONNECTICUT HUMAN RIGHTS AND OPPORTUNITIES ACT
“It shall be a discriminatory practice in violation of the section:

(8) For an employer, by himself or his agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent to harass any employee, person seeking employment or member on the basis of sex”.

Board Approved: 11/11
NEW HAVEN PUBLIC SCHOOLS
Sexual Harassment Formal Complaint Form

Use this form only when reporting cases involving adults

Upon completion submit this form to the Principal or Director of Human Resources
Principals are required to forward to District Title IX Coordinator or Director of Human Resources within 24 hours of reporting

Date Reported: ______________  Date of Incident: ______________

Name of Complainant: ____________________________________________

Complainant’s Position: ________________ School: ______________________

Name of Alleged Harasser: _________________________________________

Position of Alleged Harasser: _______________________________________

Location of Incident: _______________________________________________

Manner of Offense: ____ Verbal   ____ Physical   ____ Non-Verbal (including cyber)

Description:

Name of Witnesses (if any):

Has this Incident Been Reported Before? _____ Yes   _____ No

If yes, when? _______________ Reported to: _______________

What was the resolution? ____________________________________________
_________________________________________________________________

Signature of Complainant: ___________________________________________

Investigating Administrator: _________________________________________

Board Approved: 11/11
NEW HAVEN PUBLIC SCHOOLS

Sexual Harassment Complaint Appeal Form

Adult Accused:
Upon completion, please forward this form to the Director of Human Resources
54 Meadow Street, New Haven 06519

Student Accused:
Upon completion, please forward this form to the Title IX District Coordinator
54 Meadow Street, New Haven 06519

Date: ____________

Name of Complainant: ___________________________ Phone: _________________

Complainant’s Position: ____________________ School: _____________________

Name of Alleged Harasser: ______________________________________

Parent/Guardian: _________________________________ Phone: ________________

Position of Alleged Harasser: __________________________________________

Date of Original Complaint: ______________ _____ Formal _____Informal

Prior Complaint Reported To: ___________________________________________

Have You Filed Any Prior Appeals? _____ Yes _____ No

If yes, date: __________ To Whom? _______________________________________

Describe the Decision Being Appealed

_____________________________________________________________________

Signature of Complainant: _____________________________________________