



## School Board Policies, Regulations and Bylaws

5145.5(a)

### Students

#### Sexual Harassment

It is the policy of Common Ground High School to maintain a learning and working environment that is free from sexual harassment. The school therefore prohibits any form of sexual harassment in the workplace and school buildings, or at school-sponsored activities and events where staff and/or students are in contact with each other.

It shall be a violation of this policy for any student or employee of the district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy or as prohibited by law.

The school will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the school.

#### Definitions and Examples

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical contact or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education environment.

Any sexual harassment as defined herein when perpetrated upon a student or staff member shall be treated as sexual harassment under this policy.

B. Sexual harassment may include but is not limited to:

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Inappropriate or unwelcomed touching, patting, or pinching of a sexual nature
- Intentional brushing against a student's or an employee's body

## Students

### Sexual Harassment (continued)

#### Definitions and Examples (continued)

- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- Use of sexually or gender degrading words or comments, verbal or written (ex., graffiti)
- Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures in the school, at school grounds, or sponsored events.
- Transmitting or displaying emails or websites of a sexual nature.
- Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

In determining whether the alleged conduct constitutes sexual harassment, the school shall consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constituted sexual harassment requires a determination based upon all facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods, documents, or interviews deemed pertinent by the investigator.

In addition, the school may take immediate steps at its discretion, to protect the complainant and/or other students and employees pending completion of an investigation of alleged sexual harassment.

The investigating party shall make a final written report, which shall include a recommendation as to the validity of the complaint, to the Director and the District Title IX Compliance Officer upon completion of the investigation, but no later than (15) days from the initial receipt of the complaint unless additional time is needed. If the Director is the subject of the complaint, the final report shall be submitted to the School Board of Education

## Students

### Sexual Harassment (continued)

#### School District Action

Upon receipt of the final written report, the Director or his/her designee shall take appropriate action based upon the results of the investigation. If the Director is the subject of the complaint, such action shall be taken by the Board of Education.

The result of the investigation of each complaint filed under these procedures shall be reported to the complainant and the accused by the Director or his/her designee. If the Director is the subject of the complaint, such report shall be made by the Title X Compliance Officer. The report shall document any disciplinary action taken as a result of the complaint.

The school may take disciplinary action against any person found to have maliciously filed a false complaint.

#### Reprisal Prohibited

The school will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in the investigation, proceeding, or hearing related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

#### Right to Alternate Complaint Procedures

These procedures do not deny or limit the right of any individual to pursue other avenues of recourse which may include filing charges with the State Department of Human Rights, the Equal Employment Opportunity Commission, initiating civil action or seeking redress under the State Criminal Statutes and/or Federal Law.

#### Discipline

Any school district action taken pursuant to this policy will be consistent with the requirement of applicable bargaining agreements, state law and school district policies. The school district shall take the disciplinary action it deems necessary and appropriate to end sexual harassment and to prevent its recurrence. Such disciplinary action may include, but is not limited to, the issuance of a warning, reprimand, counseling, suspension, or discharge.

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)  
on 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)

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### Sexual Harassment

#### Legal Reference (continued)

*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)

*Davis v. Monroe County Board of Education*, No. 97-843 (U.S. Supreme Court, May 24, 1999).

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

Constitution of the State of Connecticut, Article I, Section 20.

Policy Adopted: 5/22-17

rev 5/22/17

## Regulation

### Students

#### Sexual Harassment

Sexual harassment is prohibited in the school system. Sexual harassment may include but is not limited to:

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Inappropriate or unwelcomed touching, patting, or pinching of a sexual nature
- Intentional brushing against a student's or an employee's body
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- Use of sexually or gender degrading words or comments, verbal or written (ex., graffiti)
- Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures in the school, at school grounds, or sponsored events.
- Transmitting or displaying emails or websites of a sexual nature.
- Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

#### Complaint Procedure

1. As soon as a student feels that he or she has been subjected to sexual harassment, he or she should make a written complaint to the Director or his/her designee. The student will be provided a copy of this policy and regulation and made aware of his or her rights.
2. If a student makes a complaint or allegation of sexual harassment to another trusted adult in the school, that adult should forward the allegation to the Director. If the complaint or allegation concerns the School Administrators, the complaint/allegation should be forwarded to the District Title IX Compliance Director.
3. The complaint should state the:
  - A. Name of the complainant

## Students

### Sexual Harassment (continued)

- B. Date of the complaint,
  - C. Date of the alleged harassment,
  - D. Name or names of the harasser or harassers,
  - E. Location where such harassment occurred,
  - F. Detailed statement of the circumstances constituting the alleged harassment.
4. Any student who makes an oral complaint of harassment will be provided a copy of this regulation and will be assisted in making a complaint pursuant to the above procedure.
  5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
  6. If possible, within five (5) working days of receipt of the complaint, the Director or designee handling the complaint shall commence an effective, thorough, objective and complete investigation of the complaint. If school administrators are the subject of the complaint, the investigation shall be conducted by the District Title IX Compliance Officer. The investigator shall consult with all 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 insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.
  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 all others directly concerned.
  8. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within fifteen (15) calendar days to the District Title IX Compliance Officer, or, if he/she conducted the investigation, to the Board of Education, who shall review the District Title IX Compliance Officer or designee's written report, the information collected by the District Title IX Compliance Officer or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The District Title IX Compliance Officer or Board of Education may determine if further action and/or investigation is warranted. After completing this review, the District Title IX Compliance Officer or Board of Education shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment has occurred, the school shall take all reasonable actions to ensure that the harassment ceases and will

not recur. Actions taken in response to allegations of harassment may include reassignment, transfer, or disciplinary action.

**5145.5(c)**

## **Students**

### **Sexual Harassment (continued)**

The harasser and any other students or employees, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

If a sex discrimination complaint raises a concern about bullying behavior, the District Title IX Compliance Officer shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the District Title IX Compliance Officer, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111).

Copies of this regulation will be distributed to all students.

The District Title IX Compliance Officer for Common Ground High School is

Betsy Sneath  
Director of Business & Administration  
(203) 389-0823 ext. 1211  
bsneath @commongroundct.org

The Building Title IX Compliance Officer is

Keith Johnston  
Dean of Students  
(203) 389-0823 ext. 1218  
kjohnston@commongroundct.org

Copies of this regulation will be distributed to all students.

Regulation adopted: 5/22/17

Regulation revised: 5/22/2017