

NEW MILFORD BOARD OF EDUCATION

**New Milford Public Schools
50 East Street
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE
MEETING NOTICE**

DATE: February 24, 2015
TIME: 6:45 P.M.
PLACE: Lillis Administration Building, Rm. 2

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order
2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

- A. Policies Recommended for Revision:
 - 1. 4118.112/4218.112 Sexual and Other Unlawful Harassment
 - 2. 4118.231/4218.231 Drug and Alcohol Use
 - 3. 9325 Meeting Conduct
- B. Policies Reviewed with No Revision Recommended:
 - 1. 4111.1/4211.1 Equal Employment Opportunity
 - 2. 4116/4216 Employment at Will
 - 3. 4118.233/4218.233 Weapons and Dangerous Instruments
 - 4. 4155/4255 Military Leave
- C. Review:
 - 1. 4118.5/4218.5 Electronic Monitoring

4. Items of Information

- A. Regulation Revisions:
 - 1. 3281 School Fundraisers
 - 2. 4111.1/4211.1 Procedures for Employee Complaints of Discrimination
 - 3. 4118.231/4218.231 Drug and Alcohol Use

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TOWN CLERK
2015 FEB 20 P 12: 56

NEW MILFORD, CT

B. Regulation Reviewed with No Revision Recommended:

1. 4118.112/4218.112 Sexual and Other Unlawful Harassment

5. Public Comment

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- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

6. Adjourn

Sub-Committee Members: David A. Lawson, Chairperson
Robert Coppola
Daniele Shook
John W. Spatola

Alternates: Wendy Faulenbach
Theresa Volinski

Commentary February 2015: Suggested revisions are highlighted in gray.

4118.112(a)

4218.112(a)

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, volunteer, student or visitor based on sex, sexual orientation, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability or genetic information. All forms of harassment are prohibited whether verbal, physical or visual, and regardless of the medium through which it occurs. Such harassment violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Connecticut Fair Employment Practices Act.

This policy prohibits sexual and other unlawful harassment by employees, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

Definition of Sexual Harassment

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

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual;

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Definition of Sexual Harassment (continued)

- The conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment; or

Such conduct constitutes sexual harassment 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.

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a *social* ~~school~~-setting may not be appropriate in the *school and work environment* workplace. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Suggestive or obscene letters, notes, all electronic 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;
- Discussion of one's own sexual activities or inquiries into others' sexual experiences;

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Examples of Sexual Harassment

- 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; and
- Inappropriate attention of a sexual nature.

Relationships at the Workplace

Sexual or romantic relationships between employees and students are ***strictly prohibited*** ~~unacceptable~~ whether or not they constitute sexual harassment as defined in this policy. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law.

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Complaint Procedure

All members of the school community are responsible for helping to assure that sexual and other unlawful harassment is avoided. Any person who has observed or otherwise become aware of the conduct prohibited by this policy should bring the matter to the immediate attention of the Title IX Coordinator. The District's Title IX Coordinator is:

Director of Human Resources
50 East Street
New Milford, CT 06776
860-210-2200

Supervisors and administrators who become aware of possible violations of this policy and fail to report them may be subject to discipline.

The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with the Complaint Procedure described in the accompanying regulations.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all employees annually;
5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all employees at the start of the school year and new employees during the school year;
6. Ensuring employees are aware of who is serving as Title IX Coordinator for personnel for the District and how he or she may be reached.

Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a *two-hour*, school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district. Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

A copy of this policy or appropriate summary shall be periodically distributed to all employees.

4118.112(f)
4218.112(f)

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Legal References:

Connecticut General Statutes

10-153 Discrimination Based on Marital Status
46a-54(15) Commission powers
46a-60(a) Connecticut Fair Employment Practices Act
46a-81c Sexual Orientation Discrimination- Employment
R.S.C.A. 46a-54-200 through 46a-54-207

United States Code

20 U.S.C. 1681 Title IX of the Education Amendments of 1972
29 U.S.C. 623 Age Discrimination in Employment Act
29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973
42 U.S.C. 2000d and 2000e Titles VI and VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 6101 Age Discrimination Act of 1975
42 U.S.C. 12101 Americans with Disabilities Act
29 C.F.R. 1604.11 EEOC Guidelines on Sexual Harassment

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised: June 14, 2011
Policy revised: October 11, 2011

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

4118.231(a)
4218.231(a)

Personnel – Certified/Non-Certified

Drug and Alcohol Use

The New Milford Board of Education is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse can create serious risks of physical harm to fellow employees and students, and economic injury to the Board and other employees. Drug or alcohol abuse can lead to increased accident rates and absenteeism and can cause job performance and productivity to suffer. Employee drug and alcohol abuse can seriously compromise safety in the workplace and the quality of the services that the Board provides to the public.

Use of Illegal Drugs

The Board prohibits the unlawful manufacture, distribution, possession, or use of controlled substances by its employees in the workplace. The “workplace” includes but is not limited to: employees while on the job, while on school premises, while operating school equipment or vehicles, or while operating any other equipment or vehicles while on school business. “Controlled Substance(s)” includes any drug or substance that the law prohibits an individual from manufacturing, selling, or otherwise transferring, including, but not limited to, marijuana and cocaine. As a condition of employment, employees must abide by this policy and may be required to submit to a drug test where appropriate under this policy.

The Board also prohibits its employees from being on the job, on school premises, operating school equipment or vehicles, or operating any other equipment or vehicle on school business while under the influence of any controlled substance. An employee is “under the influence” if drug test results indicate the presence of a controlled substance in the employee’s system in an amount that constitutes a positive test result as defined elsewhere in this policy.

The Board recognizes the right of its employees to engage in off-duty activities of their choice. However, an employee’s off-duty activity that involves illegal drug use, including possession or sale, adversely impacts the school system and will not be tolerated.

Use of Legally Obtained Drugs

Employees must not be on the job, on school premises, or operating school equipment or vehicles while on school business while under the influence of any drug – legal or illegal – that renders the employee unfit for duty. An employee is “unfit for duty” if, in the opinion of the Director of Buildings and Grounds, *an Administrator* or his/her designee, the employee’s use of drugs jeopardizes his/her ability to work safely or efficiently. If an employee’s medically – required use of legally

Personnel – Certified/Non-Certified

Drug and Alcohol Use

Use of Legally Obtained Drugs Cont'd.

obtained drugs renders the employee unfit for duty, in the opinion of the Director of Buildings and Grounds, *an Administrator* or his/her designee, and a temporary alternative job assignment is not available, the employee will be considered unfit for duty due to illness.

Palliative Use of Marijuana

As required by state law, the Board will not discharge, penalize or threaten an employee solely on the basis of such employee's status as a qualifying patient or primary caregiver under Connecticut General Statutes sections 21a-408 to 21a-408n. Nevertheless, employees who are qualifying patients or primary caregivers are prohibited from manufacturing, distributing, using, possessing or being under the influence of marijuana during work hours, on school grounds, in school vehicles, or at a school sponsored event. The determination of whether such an employee is "under the influence" will be based upon the results of the drug test, if any is conducted, and the totality of the circumstances.

Use of Alcohol

The Board prohibits its employees from consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages while on the job, while on school premises, while operating school equipment or vehicles while on the job, or while operating any other equipment or vehicles, while on school business.

The Board also prohibits its employees from being on the job, on Board premises, or operating school equipment or vehicles, or operating any other equipment or vehicle while on school business while under the influence of alcohol.

Testing of Staff

To insure the success of its drug and alcohol policy, the Board may require prospective employees to undergo physical examinations, blood tests, urinalysis, or other medical drug and alcohol detection procedures as set forth in administrative regulations. The Board also authorizes the administration to test employees in special circumstances in accordance with state and federal law. The administration shall promulgate regulations regarding applicant and employee testing.

Personnel – Certified/Non-Certified

Drug and Alcohol Use

Failure to Cooperate

No employee shall refuse to submit to an alcohol or drug testing required under this policy. Furthermore, any employee who (a) fails to cooperate with the Board's investigation into possible violations of this drug and alcohol policy, or (b) refuses to sign consent to take a drug or alcohol test will be subject to disciplinary action up to and including discharge.

Violation of Policy

Any employee who violates any provision of this policy will be subject to disciplinary action up to and including discharge.

Legal References:

U.S. Constitution, 4th Amendment Search and Seizure

102 Stat. 4305-4308 Drug Free Workplace Act

Connecticut General Statutes

21a-240 Definitions (8) "Controlled Drugs," dependency producing drugs.

21a-243 Regulation re schedules of controlled substances

21a-408 to 21a-408o, Palliative Use of Marijuana

Policy adopted: December 9, 2003
Policy revised: October 18, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Commentary: The proposed changes are consistent with a recent decision of the U.S. District Court, District of Connecticut in the case of Somers Board of Education v. H.S., 3:11-cv-00311-MPS. With a similar by-law in another district, the Court concluded that the language of section 5 below was unconstitutional because it discriminates on the basis of viewpoint. In other words, excluding speech that is critical of board members or employees violates the First Amendment of the U.S. Constitution. The suggested revisions are consistent with the decision of the Court while also recognizing the Board's obligations with regard to its employees.

9325(a)

Bylaws of the Board

Meeting Conduct

Meetings of the Board of Education shall be conducted by the Chairperson of the Board of Education in a manner consistent with the adopted Bylaws of the Board.

All Board meetings shall commence at the stated time or as soon thereafter as a quorum is present and shall be guided by an Agenda which will have been prepared and delivered in advance to all Board Members and other designated persons.

The meetings shall, to the fullest possible extent, enable Members to conduct the business of the Board in an orderly, expeditious manner.

Provisions for permitting any individual or group to address the Board concerning any subject that lies within its jurisdiction shall be as follows:

1. A 3 minute time limit may be allowed to each speaker with a maximum of 20 minutes per meeting being allocated for any one item.
2. The Chairperson shall not permit actions which disrupt or interrupt the orderly conduct of the Board meeting. A willful participant in such conduct will be asked to leave the meeting of the Board. In case of a general disturbance the meeting room may be cleared except for non-participating representatives of the press.
3. The Board may, by a majority vote, decide to cancel or extend the 20 minutes allotted per item.
4. Questions which can be answered during the meeting may be answered at the option of the Board. Other inquiries which may require analysis/investigation will, at the option of the Board, be answered at a future specified date.

Bylaws of the Board

Meeting Conduct

5. *If a member of the public makes an oral presentation about the performance of a Board member or employee, whether named or not, including charges or complaints, the Board shall not discuss such performance – whether in public or executive session—unless the topic is an explicit item on the agenda and the employee or Board member has been provided the requisite notice and due process required by law. In such circumstances, the Board may inform the member of the public that all*

~~No speaker making an oral presentation shall include charges or complaints of a personal nature against any individual Board member or individual employee of the Board of Education, whether named or not. All such charges or complaints concerning individual Board members or the Superintendent should be sent to the Chairperson of the Board and to such other Members as deemed appropriate. All~~ *and all* ~~such charges or complaints concerning individual employees of the Board should be sent to the immediate superior of the person to whom the complaint relates. If a satisfactory answer is not received, then a written appeal may be filed with the next higher authority.~~

Bylaw adopted by the Board: January 9, 2001

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

4111.1(a)

4211.1(a)

Personnel – Certified/Non-Certified

Equal Employment Opportunity

The New Milford Board of Education provides equal employment opportunities for all employees and applicants for employment. All employment decisions are made without regard to race, color, sex, religion, national origin, sexual orientation, gender identity or expression, disability, marital status, age, ancestry, genetic information, veteran status, or any other basis prohibited by local, state and federal laws. Employment decisions include, but are not limited to, recruitment, hiring, promotion, transfer, compensation, benefits, training, layoff and termination.

The school district hires people based on their qualifications for the position being filled by virtue of job related standards of suitability. Unless provided otherwise by contract, the school district's promotional decisions are based upon an employee's performance and qualifications as they relate to the new responsibilities.

Reasonable accommodations shall be available to disabled employees in a manner consistent with state and federal law. Pre-employment inquiries shall be made only regarding an applicant's ability to perform job-related functions. Medical records shall be kept separate from other employee information and shall be treated confidentially in accordance with applicable state and federal law.

Any employee or applicant who feels there has been a violation of this policy should bring the matter to the immediate attention of the Building Principal or the Title IX Coordinator, unless the Title IX Coordinator is the subject of the complaint, in which case it should be brought to the Superintendent. Any staff member or administrator who receives a complaint should bring the matter to the immediate attention of the Title IX Coordinator, unless he or she feels the Title IX Coordinator is the inappropriate person to handle the matter under the particular circumstances, in which case, it should be brought to the attention of the Superintendent of Schools. The Title IX Coordinator, the Director of Human Resources, may be reached at 50 East Street, New Milford, CT 06776, 860-210-2200.

The Superintendent of Schools is authorized to develop administrative regulations to establish a complaint procedure for reporting violations of this policy. The Title IX Coordinator shall have responsibility for coordinating compliance with this policy and investigating or supervising the investigation of complaints.

A copy of this policy shall be distributed to all present and future employees.

4111.1(b)
4211.1(b)

Personnel – Certified/Non-Certified

Equal Employment Opportunity (continued)

Legal Reference:

Connecticut General Statutes

10-153 (Discrimination Based on Marital Status)
46a-60(a) (Connecticut Fair Employment Practices Act)
46a-81c (Sexual Orientation Discrimination- Employment)
R.S.C.A. 46a-54-200 through 46a-54-207

United States Code

20 U.S.C. 1681 (Title IX of the Education Amendments of 1972)
29 U.S.C. 623 (Age Discrimination in Employment Act)
29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)
38 U.S.C. 4301 (Uniformed Services Employment and Re-employment Rights Act)
42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 2000d and 2000e (Titles VI and VII of the Civil Rights Act of 1964)
42 U.S.C. 12101 (Americans with Disabilities Act)
29 C.F.R. 1604.11 (EEOC Guidelines on Sexual Harassment)

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised: November 10, 2009
Policy revised: June 14, 2011
Policy revised: October 11, 2011

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

4116
4216

Personnel – Certified/Non-Certified

Employment At Will

Employees are employed at the will of the New Milford Board of Education for an indefinite period, except those who have a written employment agreement or are covered by a collective bargaining agreement. “At-will” employees may resign from the Town at any time, for any reason, and may be terminated by the Town at any time, with or without notice, for any reason, with or without cause.

4118.233
4218.233

Personnel – Certified/Non-Certified

Weapons and Dangerous Instruments

The Board prohibits any employee to possess or bring on school premises or to school sponsored activities or on school transportation, any weapon, firearm or dangerous instrument including explosives, electronic defense and martial arts weapons, and chemical or pepper sprays or any device perceived to be a weapon, firearm or dangerous instrument. Such instruments and weapons shall be confiscated. Any violation will be reported to the police. Employees who violate this policy shall be subject to discipline, up to and including termination, and may be subject to criminal sanctions.

Legal Reference: Connecticut General Statutes

10-221 Board of Education to prescribe rules.

Policy adopted: December 9, 2003
Policy revised: October 18, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Personnel - Certified/Non-Certified

Military Leave

Military leaves of absences are provided by the New Milford Board of Education as required by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and sections 10-156c, 10-156d, 7-462(a) and 27-33a of the Connecticut General Statutes. The Board's policy and the corresponding regulations shall be interpreted to comply with those laws.

The school administration shall encourage employees to contact the Director of Operations if they have any questions regarding the Board's Military Leave policy and administrative regulations.

- Legal References:** 38 U.S.C. §§4301-4333 (The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended)
- C.G.S. §10-156c (Reserve Corps Field training for Teachers)
- C.G.S. §10-156d (Teachers Serving in the Armed Services)
- C.G.S. § 7-462(a) (Municipal and School Employees Serving in the Armed Services)
- C.G.S. § 27-33a (Military Reserve and National Guard Meetings and Drills)

Policy adopted: December 9, 2003
Policy revised: October 18, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Personnel – Certified/Non-Certified

Electronic Monitoring

The New Milford Board of Education reserves its right to approve the use of electronic monitoring in its workplace in accordance with C.G.S. §31-48d.

“Electronic monitoring,” means the collection of information on school district premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The definition does not include the collection of information (A) for security purposes in any common areas of the Board of Education premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring has been approved by the Board for use by this school district in its facilities:

- Monitoring of e-mail and other components of the school district’s computer system and Wi-Fi access for compliance with policies.
- Video surveillance of certain facilities and parking areas for security purposes.
- Recording and/or monitoring of data from school phones, including board-issued cell phones.

Where electronic monitoring may produce evidence of misconduct, the school district may use electronic monitoring without any prior notice when the Board and/or the Superintendent have reasonable grounds to believe employees of the school system are engaged in conduct that (1) violates the law, (2) violates the legal rights of the Board of Education or other employees, or (3) creates a hostile work environment.

The school administration shall post, in a conspicuous place which is readily available for viewing by its employees, a notice concerning the types of electronic monitoring which the administration may engage in.

Legal References: C.G.S. §31-48d – Electronic Monitoring in the Workplace

Policy adopted: December 9, 2003
Policy revised: October 18, 2005
Policy revised: June 14, 2011
Policy revised: February 10, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

ITEM OF INFORMATION REGULATION REVISION
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Commentary: Proposed changes, mostly in the "procedures" section below, are intended to clarify the process as requested. In addition, spellings for the terms "fundraise," "fundraising," and "fundraiser(s)" were changed to a consistent spelling (as opposed to "fund raise" or "fund-raise.")

3281(a)

Business/Non-Instructional Operations

School Fundraisers

General Guidelines

Fundraising activities in and for the schools must be distinguished from the sale of goods & services for the purpose of maintaining a school based enterprise.

Sale of merchandise

Sales to raise money by Student, Youth or School organizations formed to support and sponsor youth activities may be made on an on-going basis without collecting sales tax if the merchandise is sold for \$20.00 or less. If merchandise is purchased for re-sale for the above purpose by an accredited elementary or secondary school organization within the New Milford Public School District, the organization may furnish the supplier with the District's State of Connecticut - Department of Revenue Services/Governmental Agency Exemption Certificate signed by the ***Director of Fiscal Services and Operations*** ~~School Business Manager~~. The Purchases of Meals or Lodging for fundraising purposes are treated separately and in general sales tax must be paid to the vendor for such purposes.

Sales by District - Student, Youth & School organizations over this \$20.00 limit will be prohibited (subject to exemptions in the following section), as this would require the District to register as a vendor with the Department of Revenue Services and collect Sales and Use Tax on Sales.

Exemption for (5) five one day fundraising or social events during the calendar year:

Sales of tangible personal property at bazaars, fairs, picnics, tag sales or similar events to the extent of (5) five such events of a day's duration held during any calendar year are exempt from Sales and Use Tax.

Sales qualifying for this exemption do not include sales at retail establishments operated by District organizations such as thrift stores or gift shops.

Fundraising events of this nature will be limited to (5) events during the calendar year for the entire District.

The treatment for School Based Enterprises (SBE) does not fall within the fundraising category with respect to sales and use tax exemptions. *As **Because*** sales of tangible personal property,

Business/Non-Instructional Operations

School Fundraisers

General Guidelines (cont'd.)

manufactured or fabricated goods and services are for profit, and will generally exceed the \$20.00 fundraising limit on an on-going basis *for* these group(s) within the District, it will be required that the District register with the Department of Revenue Services of the collection & subsequent remittance of Sales and Use Tax. Furthermore, the purchases of materials or services for re-sale by these entities cannot be made as tax exempt purchases under the District's Governmental Exemption Certificate. (Please refer to the Procedure for the Establishment and Maintenance of School Based Enterprises and/or contact the Business Office for assistance).

Procedures:

In accordance with New Milford Board of Education Policy #'s 1324 and 3281 the following procedural requirements must be fulfilled *before fundraising is permitted in the schools or a gift from a fundraising organization is accepted:*

1. *All organizations or groups conducting fundraising activities for the benefit of New Milford students must obtain prior approval in writing from the Building Principal of the school that is intended to benefit from the fundraising activity.* Requests for fundraising activities shall be directed to the ~~office of the school~~ **Building** Principal on the appropriate form (*Fundraising Activity Request* Form # "~~1324~~" or "~~3281~~") for approval at the building level.
2. The **Building** ~~school~~ Principal shall maintain a copy of all request forms and forward a copy to the superintendent or his or her designee for final approval.
3. A copy of the authorized Fundraising Activity **Request** ~~Approval~~ Form will then be returned to the Building Principal with a copy sent to the Business Office to remain on file.
4. Any and all fundraising events requiring the use of one of the District's (5) day exemptions pursuant to the aforementioned guidelines, will be clearly marked as such and will be considered upon review by the Superintendent of Schools and the Board of Education based on the overall benefit of the fundraising event and its relevancy to the goals and objectives of the District.

Business/Non-Instructional Operations**School Fundraisers****General Guidelines (cont'd.)**

5. After completion of the fundraising event the Business Office will send *the Fundraising Activity Reporting* Form ~~#1324A or 3281A~~ to the Supervisor/contact person listed on the approval form. This form must be completed by the indicated Supervisor and returned to the Business Office within one week of receipt. A copy of the form shall then be sent to the Building Principal and maintained on file at the Business Office along with the original ~~#1324 Approval~~ *Fundraising Activity Request* Form.

Any questions regarding procedures and policies relating to Fundraising or Enterprise activities within the District should be directed to the *Director of Fiscal Services and Operations* Business Manager.

Legal Reference: Conn. Gen. Stat. §12-412(26) Exemptions

Regulation approved: March 12, 2002
Regulation revised: June 10, 2008
Regulation revised: February 25, 2014

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

New Milford Public Schools
FUNDRAISING ACTIVITY REQUEST FORM

Name of Fundraising Activity: _____

School: _____ Date of Request: _____

Club/Team/Organization: _____

This activity is being organized by:

_____ School Activity Advisor: _____

Contact Name and Number

_____ District Affiliated Group: _____

Contact Name and Number

Proposed date of fundraiser: _____

Fundraising activity: (please check one)

Gift/donation: _____

Solicitation: _____

Sale of goods: _____

Sale of services: _____

Raffle/Bazaar* _____ (Please see reverse side regarding Raffles and Bazaars)

What is the purpose of the fundraiser, what will the funds be used for?

How will the fund be raised? If selling items, please specify what will be sold, the cost of the items and how they will be sold. Attach additional information if necessary. (*Note* the maximum allowable re-sale price is \$20.00 per unit.*)

Estimated Total Gross Revenue from fundraiser \$ _____

Signature School Activity Advisor: _____ Date: _____

Building Principal authorization: _____ Date: _____

Business Office authorization: _____ Date: _____

Superintendent authorization: _____ Date: _____

Fundraiser ID# (assigned by Business Office) _____

Note* Raffles, bazaars or games of chance are not permitted unless the sponsoring organization provides prior documentation of the following:

1. Approval from the Department of Consumer Protection (see the Department's website to obtain the necessary forms and instructions.) and
2. Acknowledgement that the sponsoring organization will not permit any person under the age of 18 to promote, conduct or operate any bazaar, or raffle or any person under the age of 16 to sell or promote the sale of tickets. An explanation of how the raffle or bazaar will be conducted must be provided when this form is filed. Applicants must explain how they will safeguard student involvement in the event.

New Milford Public Schools
FUNDRAISING ACTIVITY REPORTING FORM

Name of Fundraising Activity _____

Fundraiser ID # (From Fundraising Activity Request Form) _____

School: _____ Date: _____

Club/Team/Organization: _____

School Advisor: _____

District Affiliated Group Contact: _____

Did the event take place on the proposed date?: YES _____ NO _____

If "NO," on what date did it occur: _____

A) Actual GROSS receipts from event: \$ _____

Note this value must equal the total of deposits to the relevant activity account (please indicate fundraiser ID# on deposit vouchers)*

Expenses (if any) incurred to run event:

Note any & all expenses related to the fundraiser must be paid directly from the relevant activity account by check. (please indicate fundraiser ID# on all disbursement requests) if any preparation expenses were incurred prior to the actual event please include below with corresponding activity check#.*

(please describe & itemize)

1)	_____
2)	_____
3)	_____
4)	_____
5)	_____
6)	_____

B) Total Expenses from event: \$ _____

(A) – (B) = Net proceeds to organization \$ _____

Signature of Advisor: _____

Received by Building Principal: _____ Date: _____

Received by Business Office: _____ Date: _____

ITEM OF INFORMATION REGULATION REVISION
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4111.1(a)

4211.1(a)

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

The New Milford Board of Education provides equal employment opportunities for all employees and applicants for employment. All employment decisions are made without regard to race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information, veteran status, or any other basis prohibited by law.

Although discrimination also includes sexual, racial or other unlawful harassment, the prohibition of such conduct is governed by a separate Board policy. Please refer to Board Policy 4118.112, 4218.112 and regulations for the procedure for complaints of sexual, racial or other unlawful harassment.

Employees who believe they have suffered discrimination in violation of this policy are encouraged to promptly report such incidents to a Building Principal or the district's Title IX Coordinator or both. Timely reporting of incidents of unlawful harassment enables the school district to properly investigate and resolve such complaints.

Complaints will be investigated promptly and corrective action will be taken when warranted. Any reprisals or retaliations found to have occurred as a result of reporting discrimination may result in disciplinary action against the retaliator.

Reporting a Complaint of Discrimination

Any applicant or employee who feels that he/she has been discriminated against on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information, or veteran status or should ***promptly*** ~~immediately~~ bring his/her complaint to the attention of one of the following school officials ~~within 30 days of the alleged incident~~: Building Principal or Title IX Coordinator.

The district's Title IX Coordinator is:

Ms. Ellamae Baldelli
Director of Human Resources
50 East Street
New Milford, CT 06776
860-210-2200

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

Although there is no requirement that the complaint be in writing, the school official should encourage the complainant to submit the complaint in writing and may assist the complainant in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the person(s) who discriminated against complainant;
4. date and place of the alleged discriminatory conduct;
5. names of any witnesses;
6. list of documentary evidence, if any;
7. statement of the facts supporting the complaint of discrimination.

Investigation of Complaints of Discrimination other than Harassment

Investigator: The Title IX Coordinator is responsible for designating the investigator of any complaint, which may be himself/herself or a properly trained staff member, administrator or outside investigator. The advice of legal counsel should be sought as necessary. The designation of the investigator, if other than the Title IX Coordinator, shall be done promptly. During any stage of the investigation, the investigator may attempt to resolve the complaint in the least disruptive, most prompt and confidential manner.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of discrimination or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information, including the complainant, the person(s) accused of the discriminatory conduct, potential witnesses and other possible victims of the alleged conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the person(s) accused of discrimination shall be respected. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

Documentation: The investigator should carefully document all aspects of the investigation, including any informal resolution of the complaint. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged discrimination occurred and (2) whether such conduct constitutes a violation of the Board's policy. If there is a violation, the investigator should recommend any remedial action appropriate to redress the discrimination and/or prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Title IX Coordinator and Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed ***without delay***. ~~within 10 school days of receipt of the complaint.~~ If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The results of the investigation will be promptly communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

Request for Review: If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, ~~the review process shall be completed within 20 days of the request for the review.~~ The Superintendent shall promptly notify the complainant in writing of the results of his/her review.

Corrective Action: If discrimination in violation of Board policy has been determined to have occurred, the school district will take prompt remedial action to redress the discrimination. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

4111.1(d)

4211.1(d)

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

Alternative Complaint Procedures

The Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of employment discrimination based upon race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737).

The U. S. Equal Employment Opportunity Commission (EEOC) investigates complaints of employment discrimination based upon race, color, sex, religion, national origin, age, or disability. The EEOC may be contacted at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

The EEOC and CHRO apply a statute of limitation of one hundred and eighty (180) days to complaints of employment discrimination.

The U. S. Department of Labor, Veteran's Employment and Training Service investigates complaints of discrimination based upon veteran status. The Veteran's Employment and Training Service may be contacted at 1-866-4-USA-DOL.

Regulation adopted: June 14, 2011
Regulation revised: October 11, 2011

NEW MILFORD BOARD OF EDUCATION
New Milford, Connecticut

ITEM OF INFORMATION REGULATION REVISION
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4118.231(a)
4218.231(a)

Personnel – Certified/Non-Certified

Drug and Alcohol Use

Employee Testing

To insure the success of its drug and alcohol policy (Nos. 4118.231/4218.231), the Board may require prospective employees to undergo physical examinations, blood tests, urinalysis, or other medical drug and alcohol detection procedures under the circumstances described in these regulations.

All required medical tests will be conducted at Board expense by qualified and Board-approved designated medical personnel. Applicants and current employees will be given an opportunity before testing to advise the medical personnel of any legal or prescribed drugs which they are then taking.

A positive test result means that the test result shows the presence of an illegal or controlled substance or alcohol in the applicant's or employee's system at or above the limits hereinafter described.

An initial urinalysis drug test shall be administered utilizing a reliable methodology. An employee's initial positive result must then be confirmed by a second urinalysis drug test, which shall be separate and independent from the initial test. The second tests shall utilize either a gas chromatography and mass spectrometry methodology or other methodology which has been determined by the State of Connecticut Commissioner of Health Services to be as reliable or more reliable than the gas chromatography and mass spectrometry methodology.

All confirmation tests on employees will be conducted on the same urine sample upon which the initial test was conducted and by the same medical or technical personnel. If the final confirmation test is negative for illegal drugs or alcohol, the Board will disregard the initial screen test.

If an employee's alcohol test reveals an alcohol concentration of .04 or greater, he/she may be subject to disciplinary action, including discharge.

Reasonable Suspicion Testing

Each employee is subject to drug testing whenever the Board, through its Director of Buildings and Grounds *or an Administrator* or his/her designee, has a reasonable suspicion that said employee has violated this policy through the use of a controlled substance or alcohol. The determination that reasonable

Personnel – Certified/Non-Certified

Drug and Alcohol Use

Reasonable Suspicion Testing Cont'd.

suspicion exists to require the employee to undergo a test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic or withdrawal effects of controlled substances. The person who makes the determination that a reasonable suspicion exists to conduct a drug or alcohol test shall not conduct such test of the employee. Reasonable suspicion must be confirmed by a school nurse. If a nurse is not available, then confirmation shall be by another administrative staff member.

Alcohol testing is authorized only if the observations required by this policy are made during, just preceding or just after the period of the work day that the employee is required to be in compliance with this policy or at any time the employee is using a school vehicle. If an alcohol test required by this section is not administered within two hours following the determination of reasonable suspicion, the employer shall prepare and maintain on file a records stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this policy is not administered within 8 hours following the determination of reasonable suspicion, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

An employee who is tested pursuant to this section will be suspended with pay pending the test outcome. If the test is negative, the employee will be allowed to return to work, unless the suspension was imposed for additional reasons unrelated to this policy.

A written record shall be made of the observations leading to the controlled substances "reasonable suspicion" test, and signed by the Director of Buildings and Grounds, **Administrator**, or his/her designee within 24 hours of the observed behavior or before the results of the controlled substance test are released, whichever is earlier.

If a test under this section is required outside of the employee's work time, the Board will pay the employee at his/her hourly rate for the time necessary to take the test, but only if the test results are negative, that is, alcohol and drug free.

Confidentiality of Records and Test Results.

Results of job applicant and employee drug and alcohol tests will be kept confidential to the extent allowed by law. Only Board employees and agents who need to know the test results will

4118.231(c)
4218.231(c)

Personnel – Certified/Non-Certified

Drug and Alcohol Use

Confidentiality of Records and Test Results Cont'd.

be notified of, or permitted to review, the results. Employees and agents must not reveal the test results to any other persons who have no need to know the results. An employee who, ~~in the opinion of the Director of Buildings and Grounds,~~ violates the provision of this section is subject to disciplinary action up to and including discharge. In addition, test results will be maintained with other employee medical records and shall be subject to privacy protection provided by state law.

Obligation to Report

The Board will not discharge, discipline or otherwise penalize any employee because the employee makes a good faith report of a violation of a suspected violation of this policy. However, any employee found to have knowingly made a false report shall be subject to disciplinary action up to and including discharge.

Regulation adopted: December 9, 2003
Regulation revised: October 18, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

<p style="text-align: center;">ITEM OF INFORMATION REGULATION REVIEWED WITH NO REVISION RECOMMENDED</p>

4118.112(a)

4218.112(a)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Complaint Procedures

It is the policy of the New Milford Board of Education to encourage victims of sexual, racial or harassment as defined by Board policy nos. 4118.112 and 4218.112 to promptly report such complaints. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Any employee who feels that he/she has been harassed on the basis of sex, sexual orientation, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability or genetic information should bring this/her complaint to the Principal, Assistant Principal or District Title IX Coordinator. The Principal or Assistant Principal will immediately inform the District Title IX Coordinator upon receipt of any such complaint, or the Superintendent if the District Title IX Coordinator is the subject of the complaint.

All complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting sexual or other unlawful harassment may result in disciplinary action against the retaliator, up to and including discharge. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and other supervisors and will publish its policy and complaint procedure to employees in an effort to maintain an environment free of sexual and other unlawful harassment.

Responsibilities of Personnel

All Employees. Any staff member who feels that he or she is a victim of sexual, racial or other unlawful harassment is strongly urged to immediately report the incident to the Building Principal or Title IX Coordinator. If possible, the victim should consider firmly and immediately notifying the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or Title IX Coordinator even if the offender has been told that his or her behavior is unwelcome and has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the Title IX Coordinator. If the Title

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Responsibilities of Personnel (continued)

IX Coordinator is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee, supervisor or administrator who has not been victimized but is aware of a possible violation of the Board's policy on sexual and other unlawful harassment should likewise report such information verbally or in writing. Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline.

Administrators. Any complaint or other communication from an applicant for employment, an employee, a visitor, a government agency, or an attorney concerning sexual and/or other harassment should be immediately shared with the District Title IX Coordinator, who has responsibility for the proper resolution of all reports and complaints. If notification to the District Title IX Coordinator is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the District Title IX Coordinator or Superintendent of his or her designee.

Title IX Coordinator. The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

Reporting a Complaint of Unlawful Harassment

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's Title IX Coordinator.

The district's Title IX Coordinator is:

Ms. Ellamae Baldelli
Director of Human Resources
50 East Street
New Milford, CT 06776
860-210-2200

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Reporting a Complaint of Unlawful Harassment (continued)

Upon any notice from an employee that illegal harassment may be occurring, the school official taking the complaint should inform the employee of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. If the complaint is not in writing, the administrator should encourage the employee to commit the complaint to writing and provide the employee a form that he or she may use for this purpose. The administrator may assist the employee in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;
6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

The administrator should advise the employee that confidentiality will be maintained to the extent possible and should advise participants in the investigation not to discuss the subject with others in the workplace. The administrator cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The administrator should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Reporting a Complaint of Unlawful Harassment (continued)

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

Administrators must attend a school approved sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district.

Investigation of the Complaint

Investigator: The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints of unlawful harassment. The advice of legal counsel should be sought as necessary. The investigation may also be conducted by outside counsel or an outside investigator.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

4118.112(e)

4218.112(e)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Investigation of the Complaint (continued)

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed without delay. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

Request for Review: If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the Superintendent shall promptly notify the complainant in writing of the results of his/her review.

Corrective Action: If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Investigation of the Complaint (continued)

Alternative Complaint Procedures

The Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737).

The U. S. Equal Employment Opportunity Commission (EEOC) investigates complaints of harassment based upon race, color, sex, religion, national origin, age, or disability. The EEOC may be contacted at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

The EEOC and CHRO apply a statute of limitation of one hundred and eighty (180) days to complaints of harassment

Regulation approved: December 9, 2003
Regulation revised: November 7, 2005
Regulation revised: June 14, 2011
Regulation revised: October 11, 2011

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut