

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

The Board of Education does not tolerate sexual, racial or other unlawful harassment of any student by another student, school employee, or third person based upon race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or alienage. This includes protection from harassment by people who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities under the auspices of the school district.

Students who believe they been subjected to unlawful harassment as defined in Board Policy 5145.5 are encouraged to promptly report such incidents to a Guidance Counselor, Principal, Assistant Principal or the Assistant Superintendent/Title IX Coordinator. Timely reporting of incidents of discriminatory conduct enables the school district to properly investigate and resolve such complaints. All reports of conduct that violates these policies shall be reviewed regardless of whether the report has been made in writing.

Complaints will be investigated promptly and corrective action will be taken when warranted. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting unlawful harassment are considered to be a violation of this policy and may result in disciplinary action against the retaliator.

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

Responsibilities of Students and Personnel

All Students. Any student who feels that he or she has been a victim of harassment in violation of school policy is strongly urged to immediately report the harassment to a Guidance Counselor, Assistant Principal, Building Principal or Title IX Coordinator. Any student who is not the target of harassment but is aware of it occurring should likewise report such information.

All Employees. Any employee who observes or otherwise becomes aware of any incident of sexual, racial or other unlawful harassment of a student is required to immediately report such incident to the district's Title IX Coordinator.

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Responsibilities of Students and Personnel (continued)

Guidance Counselors and Administrators. Any complaint, report or other communication from a student or other individual, a government agency, or an attorney concerning potential harassment against a student must be immediately shared with the Title IX Coordinator. If notification to the Title IX Coordinator is impractical or implausible under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or 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 student who feels that he/she has been harassed on the basis of race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression or alienage in violation of Board Policy 5145.5 should immediately bring his/her complaint to the attention any of the following school officials: Guidance Counselor, Assistant Principal, Building Principal, or district's Title IX Coordinator.

The district's Title IX Coordinator may be contacted at:

**Office of the Assistant Superintendent
50 East Street, New Milford, CT 06776
(860) 354-3235**

Upon any notice from a student or other individual that unlawful harassment of a student may be occurring, the school official should inform the student 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 complainant is a minor, the school official to whom the complaint is given should consider whether a child abuse report should be completed.

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Reporting a Complaint of Unlawful Harassment (continued)

Although there is no requirement that the complaint be in writing, the school official should encourage the student to commit the complaint to writing and may assist the student in writing the complaint. The school official should document the complaint even if the student refuses to commit the complaint to writing.

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 advise the student that confidentiality will be maintained to the extent possible. The school official cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other students, school personnel or may be needed in subsequent government or court proceedings.

The school official should carefully document his or her knowledge of all communications and actions concerning student complaints, including any student efforts or 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, Assistant Principal or Guidance Counselor shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

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.

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Investigation of Complaints of Unlawful Harassment

Investigator: The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints 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.

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.

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Investigation of Complaints of Unlawful Harassment (continued)

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.

Alternative Complaint Procedures

The federal and state agencies that investigate complaints of unlawful harassment of students are the Office for Civil Rights, U.S. Department of Education (OCR) and the Connecticut Commission of Human Rights and Opportunities (CHRO). Any student who wants his or her complaint to be investigated by either of these agencies may do so by contacting the following: CHRO is located at 21 Grand Street, Hartford, CT 06106, (860)-541-5737; Office for Civil Rights-Boston, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (617)289-0111. The OCR and CHRO apply a statute of limitations of one hundred and eighty (180) days to such complaints.

Regulation adopted: March 10, 2009
Regulation rewritten: June 14, 2011
Regulation revised: October 11, 2011
Regulation revised: July 11, 2012

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

NOTICE TO ALL STUDENTS
DISCRIMINATION IS AGAINST THE LAW
SEXUAL, RACIAL AND OTHER UNLAWFUL HARASSMENT
IS AGAINST THE LAW

Everyone in the New Milford Public Schools has a right to feel respected and safe. Consequently, we want you to know about our policies to prevent unlawful harassment and other forms of discrimination.

The New Milford Board of Education does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, gender identity or expression, or sexual orientation, in any of its programs, activities and employment practices and provides equal access to the Boy Scouts of America and other designated youth groups. Furthermore, it is the policy of the Board to maintain a working and learning environment that is free from all forms of unlawful harassment based upon a student's race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression, alienage or any other basis prohibited by law.

A harasser may be a student, school employee, or any other person involved in or present for school-sponsored events or programs.

Harassment may include the following when based upon a student's race, color, national origin, sex, disability, religion, sexual orientation, gender identity or expression, or alienage:

1. name calling, jokes or rumors;
2. pulling on clothing;
3. graffiti;
4. notes or cartoons;
5. unwelcome touching of a person or clothing;
6. offensive or graphic posters or book covers;
7. any words, images or actions that make you feel uncomfortable, embarrass you, hurt your feelings or make you feel bad.

If any words, images or actions make you feel uncomfortable or fearful, you need to tell a guidance counselor, the Principal, Assistant Principal or the district's Title IX Coordinator. You may also make a written report.

Your right to privacy will be protected as much as possible.

We take seriously all reports of harassment or violence and will take all appropriate actions based on your report. The school district will also take action if anyone tries to intimidate you because you have reported harassment.

This is a brief summary of the district's policies on non-discrimination and unlawful harassment. Complete policies (Nos. 5000, 5145.5) are available at the Board of Education offices.

Students who harass other students or school employees may be subject to discipline as severe as expulsion from school for up to one calendar year.

For more information or to file a complaint of discrimination or unlawful harassment, contact the school district's Title IX Coordinator:

Assistant Superintendent of Schools
50 East Street, New Milford, CT 06776
(860) 354-3235

Student - Complaint of Discrimination and/or Unlawful Harassment

Name of complainant: _____ Grade/School: _____

Date of complaint: _____ Parent/Guardian: _____

Contact information: _____

Name(s) of alleged unlawful harasser(s) and/or persons who allegedly discriminated against complainant:

The alleged discrimination and/or harassment is based upon the complainant's (circle ALL that apply):
RACE - COLOR - NATIONAL ORIGIN - SEX (includes sexual harassment) - DISABILITY
RELIGION - SEXUAL ORIENTATION - ALIENAGE - GENDER IDENTITY OR EXPRESSION

Date(s) and place(s) of alleged discriminatory conduct and/or harassment: _____

Name(s) of any witness(es) (if any): _____

List of documentary evidence (if any): _____

Statement of the facts supporting this complaint of discrimination and/or unlawful harassment (use back of form or attach additional pages if necessary):

School Official who received the complaint

Signature of complainant

DATE: _____