

NEW MILFORD BOARD OF EDUCATION

New Milford Public Schools

50 East Street

New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

GEORGE C. BUCKBEE
TOWN CLERK

GB

A 10:07

2011 MAR 11

NEW MILFORD, CT

DATE: March 15, 2011
TIME: 6:30 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**

The Board welcomes Public Participation and asks that speakers please limit their comments to three minutes. Speakers may offer objective comments of school operations and programs that concern them. The Board will not permit any expression of personal complaints or defamatory comments about Board of Education personnel and students, nor against any person connected with the New Milford Public School System.

3. Discussion and Possible Action Items

A. Recommended for Revision

- | | |
|-----------------------------|--|
| 1. Policy 4111/4211 | Recruitment and Selection |
| 2. Policy 4111.1/4211.1 | Equal Employment Opportunity |
| 3. Policy 4112.4/4212.4 | Physical Examinations |
| 4. Policy 4112.5/4212.5 | Criminal History Checks |
| 5. Policy 4112.8/4212.8 | Nepotism |
| 6. Policy 4115 | Certified Evaluations |
| 7. Policy 4118.112/4218.112 | Sexual and Other Unlawful Harassment |
| 8. Policy 4118.13/4218.13 | Conflict of Interest |
| 9. Policy 4118.5/4218.5 | Electronic Monitoring |
| 10. Policy 4121 | Substitute Teachers |
| 11. Policy 4131 | Professional Development |
| 12. Policy 4147.1/4247.1 | Occupational Exposure to Bloodborne Pathogens |
| 13. Policy 4148/4248 | Employee Protection |
| 14. Policy 5145.5 | Sexual and Other Unlawful Harassment of Students |

B. Recommended for Deletion

- | | |
|-------------------|--|
| 1. Policy 5145.51 | Sexual Harassment: Peer Sexual Harassment |
| 2. Policy 5145.4 | Nondiscrimination: Americans with Disabilities Act |

4. Items of Information

- | | |
|---------------------------------|--|
| A. Regulation 4111/4211 | Minority Teacher Recruitment Plan |
| B. Regulation 4111.1/4211.1 | Procedures for Employee Complaints of Discrimination |
| C. Regulation 4112.8/4212.8 | Nepotism |
| D. Regulation 4118.112/4218.112 | Sexual and Other Unlawful Harassment |
| E. Regulation 4118.4/4218.4 | Computer and Internet Use |
| F. Regulation 5145.5 | Procedure for Complaints of Sexual, Racial and Other Unlawful Harassment |

5. Adjourn

Sub-Committee Members: Mrs. Nancy Tarascio-Latour, Chair
Mrs. Lynette Celli Rigdon
Mr. David A. Lawson
Mrs. Alexandra Thomas

Alternates: Mr. Daniel W. Nichols
Mr. Bill Wellman

<p style="text-align: center;">RECOMMENDED FOR REVISION</p> <p style="text-align: center;"><i>Bold Italicized</i> language constitutes an addition</p> <p style="text-align: center;">Stricken language constitutes a deletion</p>

4111(a)
4211(a)

Personnel -- Certified/Non-Certified

Recruitment and Selection

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are highly qualified as defined by federal law in the district's schools.

~~The school district recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district's activities.~~

~~The Board of Education believes it is especially important that this heterogeneity of population be recognized in the recruitment and assignment of personnel.~~

~~To this end, the Board of Education shall develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.~~

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

Minority Teacher Recruitment

The Board acknowledges that the educational interests of the state include providing students with opportunities to interact with students and staff from different racial, ethnic, and economic backgrounds in order to reduce racial, ethnic and economic isolation. Included in the district's efforts in this regard is the active recruitment of minority teachers. The district will continue to recruit, hire, and retain minority staff as important steps in the district's overall commitment to attract and hire the most qualified people to provide the best possible educational experiences and learning opportunities for all students. The Superintendent of Schools shall develop, implement and periodically revise a written plan for minority staff recruitment.

Personnel -- Certified/Non-Certified

Recruitment and Selection

The Superintendent shall insure that the District is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually.

Legal Reference: Connecticut General Statutes
10-4a Educational interests of the state identified
~~10-151 Employment of teachers. Notice and hearing on termination of contract.~~
~~10-153 Discrimination on account of marital status.~~
10-220 Duties of Boards of Education. (as amended by PA 98-252)
~~46a-60 Discriminatory employment practices prohibited.~~
20 U.S.C. Section 1119 No Child Left Behind Act
34 C.F.R. 200.55 Federal Regulations

Policy adopted:
Policy revised:

December 9, 2003

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4111.1(a)

4211.1

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, 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, ~~Ms. Ellamae Baldelli~~, **the** Director of Human Resources, may be reached at 50 East Street, New Milford, CT 06776, 860-210-2202.

Personnel – Certified/Non-Certified

Equal Employment Opportunity (continued)

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.

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:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4112.4(a)

4212.4(a)

Personnel – Certified/Non-Certified

Physical Examinations

The New Milford Board of Education shall require physical examinations, including drug testing, for job related reasons as permitted under the law. Such requirements shall be consistent with ~~this policy and policy 4118.231/42118.231~~ ~~Drug and Alcohol Use and their accompanying regulations.~~ *applicable collective bargaining agreements and other Board policies such as Family and Medical Leave (4152.6/4252.6)), Equal Employment Opportunity (4111.1/4211.1) and Drug and Alcohol Use (4118.231/4218.231).*

Prospective Employees

All offers of employment shall be made contingent on satisfactory results of a medical examination, showing that the individual is fit for performance of the job. Such examinations shall be performed within the first thirty days of employment except under special circumstances. Pre-employment inquiries shall be made only regarding an applicant's fitness for the job.

Current Employees

To ensure the safety of our personnel and students, the school administration may require medical examinations of employees. Unless otherwise provided by contract, the school administration may require medical examinations of employees in the following instances:

- When there is reason to believe the medical condition of the employee is adversely affecting or could adversely affect the employee's ability to perform his or her job;
- When there is reason to believe the medical condition of the employee presents a safety risk to him or herself or others;
- Upon return to work following a medically-related absence;
- Upon reasonable suspicion that an employee is abusing the school system's sick leave policy; or
- In conjunction with a rehabilitation or other medical treatment plan.

4112.4(b)

4212.4(b)

Personnel – Certified/Non-Certified

Physical Examinations

Medical records shall be kept separate from other employee information and shall be treated confidentially in accordance with applicable state and federal law.

Requests for Medical Information

Consistent with the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, whenever medical information is requested about an individual, (such as medical examinations related to employment, certification of a serious medical condition for family medical leave, or documentation for a reasonable accommodation) the request for such information will be accompanied by the following statement:

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic Information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

Legal References-

42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008 (GINA)

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

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4112.5 (a)

4212.5

Personnel – Certified/Non-Certified

Criminal History Inquiries and Employment Reference Checks

The New Milford Public School System requires all applicants for employment to state whether he or she has ever been convicted of a crime or whether criminal charges are pending against him or her at the time of application. This includes convictions and charges inside or outside the State of Connecticut. Applicants must specify the relevant jurisdiction, approximate date, location and nature of each conviction or charge. ~~Applicants are not required to disclose the existence of criminal charges or convictions if the records have been erased and the school system will not refuse employment to an applicant because he or she had a prior arrest, criminal charge or conviction, the records of which were erased.~~

Applicants must also state if they are enrolled in a program of deferred adjudication (e.g., accelerated rehabilitation, pre-trial drug or alcohol education pursuant to C.G.S. §54-56g, and, if so, identify the jurisdiction in which such program is pending and provide an explanation of the nature of such program.

Applicants are not required to disclose the existence of criminal charges or convictions if the records have been erased and the school system will not refuse employment to an applicant because he or she had a prior arrest, criminal charge or conviction, the records of which were erased. Specifically, applicants will not be required to disclose the existence of any arrests, criminal charges or convictions that have been erased pursuant to Connecticut General Statutes §§ 46b-146, 54-76o, or 54-142a which includes erasure of (a) a finding of delinquency or that a child was a member of a family with services, (b) an adjudication as a youthful offender, (c) a criminal charge that has been dismissed or nolle, (d) a criminal charge for which the applicant had been found not guilty, and (e) a conviction for which the applicant received an absolute pardon.

All employees are required to submit to satisfactory state and national criminal history records checks within thirty days from their date of employment. *This requirement applies to workers who are placed within a school under a public assistance employment program, who are employed by a provider of supplemental service pursuant to the No Child Left Behind Act or who are in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate where such workers perform services involving direct student contact. In addition, at the discretion of the Superintendent, this requirement may apply to a person employed as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate.* Such checks will include fingerprinting or any other method of positive identification required by the State Police Bureau of

Personnel – Certified/Non-Certified

Criminal History Inquiries and Employment Reference Checks

Identification and the Federal Bureau of Investigation and will be at the expense of the employee. ~~at the employee's own expense in accordance with Federal Bureau of Investigation procedure and state law. Copies of all notices of conviction of a crime by certified employees will be sent to the State Board of Education.~~

Fingerprinting and submission to state and national records checks does not apply to students employed by the school district where the student attends school.

A copy of any notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Department of Education or a person employed by a provider of supplemental services shall be sent to the State Board of Education.

Criminal history records checks notifying the school system of a conviction previously not disclosed by the employee or a conviction that is related to the employee's fitness for the job are grounds for termination of employment. When a certified employee's contract of employment is terminated for such reason, the termination will be conducted in accordance with the statutory provisions governing certified-employee terminations found in section 10-151 of the Connecticut General Statutes. When a non-certified employee is dismissed for such reason, the employee will be notified of the reason and provided the opportunity to file with the New Milford Board of Education an answer to the conviction. This answer must be in writing. A copy of the notice of criminal conviction, the employee's answer and the notice of dismissal will be retained by the Board and treated as confidential personnel information to the extent permitted by law.

Substitute teachers may satisfy the requirement for state and national criminal history investigations by submitting to the Board the results of state and national criminal history records checks completed within the year prior to employment with the Board. The Board considers substitute teachers to be continuously employed for purposes of criminal history records check requirements as long as the Board employs him or her at least one day of each school year.

In addition to criminal background investigations, the school system performs employment reference checks before hiring applicants. *Prior to offering an employment position to any person, the Superintendent or designee shall make a documented good faith effort to contact previous employers of the prospective employee in order to obtain information and recommendations which may be relevant to the person's fitness for employment.* Any false or missing information with respect to previous employment may result in rejection of the applicant and render the applicant ineligible for future consideration. Any falsehoods discovered after hire may subject the employee to termination of employment.

4112.5 (c)
4212.5

Personnel – Certified/Non-Certified

Criminal History Inquiries and Employment Reference Checks

Legal References: *Connecticut General Statutes:*

29-17a. Criminal history records checks. Procedure. Fees

~~C.G.S. § 31-51i~~ Erased Criminal Records

~~C.G.S. § 10-221d~~ Criminal History Records Check

~~C.G.S. § 10-222c~~ Hiring Policy

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

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4112.8

4212.8

Personnel – Certified/Non-Certified

Nepotism

The following policy governs employment of relatives with the intent to avoid conflicts or potential conflicts of interest that may arise.

No spouse, minor child or dependent of a board of education member shall be appointed to a full-time position in this school district. Such individuals may be eligible for part-time or short-term employment and shall be considered on a competitive basis with other applicants. Individuals otherwise related by blood or marriage to a board of education member may be employed following full disclosure of the relationship by the board of education member in a public meeting and sufficient vote of appointment without counting the vote of the related board of education member.

~~Employees related by blood or marriage shall not work in the same direct line of supervision. Such employees may be employed in the same department or work location when the employment is approved in writing by the superintendent or his/her designee.~~ *No person shall be employed, promoted or transferred to a position where such employee would be the immediate supervisor of or receive direct supervision from, or regularly participate in the evaluation of or be evaluated by another employee who is related by blood or marriage. In addition, persons related by blood or marriage may only be employed in the same department or work location with the written approval of the Superintendent or his/her designee.*

Policy adopted:
Policy revised:
Policy revised:

December 9, 2003
October 18, 2005

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION
SECOND REVIEW
AFTER 2/15/11 POLICY MEETING**
Bold Italicized language constitutes an addition
~~Stricken~~ language constitutes a deletion

COMMENTARY: REVISED 02-21-11. The underlined section below is suggested to address questions about implementing the new language of Conn. Gen. Stat. 10-151b.

4115

Personnel – Certified

Evaluations

It is the policy of the New Milford Board of Education to implement a job performance evaluation program for all employees in accordance with state law and the objectives of the Board to improve performance to the extent practical.

~~The Board's Teacher Evaluation Plan shall follow State Department of Education guidelines and be consistent with the Board's professional development plan as required by state law. This plan shall apply to each professional employee below the rank of superintendent who holds a certificate or permit issued by the State Board of Education.~~

The superintendent or designee shall continuously evaluate ~~each such employee in accordance with guidelines established by the State Board of Education, provisions of collective bargaining agreements and state law.~~ *each professional employee who holds a certificate or permit issued by the State Board of Education. Such evaluations shall be conducted in accordance with the guidelines established by the State Board of Education, other guidelines as may be established by mutual agreement between the Board and the teacher's collective bargaining representative and consistent with the comprehensive professional development plan required by Connecticut General Statutes §10-220a. An* Such evaluation shall include, *but need not be limited to,* ~~at a minimum,~~ identification of strengths, ~~and areas needing improvements, and strategies for improvement~~ *and multiple indicators of student academic growth (when guidelines for such indicators are adopted by the State Board of Education pursuant to Connecticut General Statutes 10-151b(c).)* Claims of failure to follow the established procedures of the established evaluation program shall be subject to the grievance procedure contained in the relevant collective bargaining agreement., ~~unless such agreement was negotiated prior to July 1, 2004.~~

The superintendent shall report the status of such evaluations to the Board of Education on or before June first of each year.

Each employee shall have access to his or her performance evaluations.

Legal References: Connecticut General Statutes
 10-151b Evaluation by superintendent of certain educational personnel
 10-220a In-service *training. Professional development committees. Institutes for educators. Cooperating teacher program, regulations.*
 Training and Professional Development
 ~~10-222e State-wide Education Accountability Plan~~

Policy adopted:	December 9, 200	NEW MILFORD BOARD OF EDUCATION
Policy revised:	October 18, 2005	New Milford, Connecticut

**RECOMMENDED FOR REVISION
SECOND REVIEW
AFTER 2/15/11 POLICY MTG**

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

**4118.112(a)
4218.112**

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, race, color, religion, ~~creed~~, national origin, ancestry, marital status, age, ~~or physical or mental~~ 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 Cont'd.

- 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* ~~having a negative impact upon the individual's work performance, or of creating an intimidating, hostile or offensive work environment;~~ or
- ~~Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and/or working conditions.~~

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 school setting may not be appropriate in the 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:* ~~behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:~~

- 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;

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment Cont'd.

- 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;*
- 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 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, 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, 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, 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 Cont'd.

- *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, marital status, ancestry, or genetic information or any other basis prohibited by local, state and federal law.*

Other Prohibited Conduct

~~Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, religion, creed, national origin, ancestry, sexual orientation, marital status, age, physical or mental disability, or sex is also prohibited by this policy.~~

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 ~~Building Principal, Assistant Principal or District~~ 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.

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment Cont'd.

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.

Relationships at the Workplace

~~Sexual or romantic relationships between employees and students are 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.~~

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.*

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment Cont'd.

Sexual Harassment Training for Administrators and Supervisory Employees

Administrators and others with supervisory responsibilities must attend a 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.

Legal References: ~~42 U.C.C. § 2000(e) (Title VII)~~

————— ~~29 C.F.R. § 1604.11 (EEOC Guidelines on Sexual Harassment)~~

————— ~~20 U.S.C. § 1681 (Title IX)~~

————— ~~Connecticut General Statutes § 46a-60(a)~~

————— ~~Conn. Agencies Regs. §§ 46a-54-200 through 46a-54-207~~

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

4118.112(g)
4218.112

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment Cont'd.

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:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION
SECOND REVIEW
AFTER 2/15/11 POLICY MTG**

Bold Italicized language constitutes an addition
~~Stricken~~ language constitutes a deletion

Commentary: This is a second revision 02-21-11 in response to query about teachers/coaches accepting gifts. Section 4 has been added in this version.

**4118.13
4218.13**

Personnel -- Certified/Non-Certified

Conflict of Interest

The Board of Education wishes to avoid any conflict of interest on the part of its employees regarding their personal interests and the interests of the school district in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the school district.

For this reason, the Board of Education prohibits employees from

- (1) directly or indirectly soliciting any gift; or accepting or receiving any gift having any value whatsoever, whether in the form of rebates, discounts, money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the Board member or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part;
- (2) ~~Employees are also prohibited from~~ directly or indirectly being financially interested in or personally benefiting from any Board contract or purchase order for supplies, materials, equipment or contractual services;
- (3) ***accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by the Board, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation.***
- (4) ***certified personnel must decline any gift or favor that would impair or influence professional decisions or actions consistent with the code of professional responsibility for teachers.***

Legal Reference: Connecticut General Statutes

7-479 Conflicts of interest.

10-145d-400a Code of professional responsibility for teachers

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4118.5
4218.5

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 for compliance with policies.
- Video surveillance of certain facilities and parking areas for security purposes.
- Recording of telephone numbers dialed from school 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, ~~or (4) violates Board policy or regulation.~~

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:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

RECOMMENDED FOR REVISION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4121

Personnel -- Certified

Substitute Teachers

A substitute teacher shall be a person fully qualified to instruct in our schools and who is employed for short periods of time in the absence of the regular teacher. ***Substitute teachers who are in the same assignment for more than ten days must hold a bachelor's degree.***

Suitable programs for training, assigning, orienting and evaluating the work of substitute teachers shall be provided by the certified staff under the direction of the Superintendent.

Unless otherwise provided by contract, rates of compensation for substitute teachers will be set by the Board of Education and fringe benefits shall not be provided.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary to employment. Forfeiture for noncompliance. Substitute teachers

10-183v Reemployment of teachers.

~~10-145a Certificates of qualification for teachers~~

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

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**RECOMMENDED FOR REVISION
SECOND REVIEW
AFTER 2/15/11 POLICY MTG**

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

Comment: This second version clarifies the annual duties of the committee as “updating” the plan.

4131(a)

Personnel -- Certified

Professional Development

Statement of Purpose

The Board of Education recognizes the value that accrues to the school district by supporting a program of professional development. The purpose of the professional development program shall be to provide for continuous, systematic, improvement and maintenance of the instructional skills, knowledge, subject matter competence, abilities and the staff's awareness of up-to-date educational research, so as to improve student learning.

The Board recognizes that professional development is the joint responsibility of individual staff members, administrators, and the school district. The Board will provide professional development programs and activities which support Board goals and objectives and at the same time meet the needs of individual staff members and administrators to improve instruction that advances student learning. The Board recognizes its obligation to support professional development efforts through means such as the granting of released time, stipends for workshops and provision of in-service training programs. In turn, the Board expects the teaching staff and administrators to demonstrate a commitment to professional development by their participation in appropriate professional programs and activities which focus on improved student learning as evidenced by higher student achievement.

Pursuant to state law, the Board of Education shall establish a professional development committee consisting of certified employees, and such other school personnel as the Board deems appropriate, including representatives of the exclusive bargaining representative for such employees. The committee shall be responsible for the development, evaluation and annual updating of a comprehensive professional development plan for certified employees.

The committee shall develop a ~~comprehensive professional development~~ plan that shall:

- (1) Be directly related to the educational goals of the district;***
- (2) Be developed with full consideration of the priorities and needs related to student outcomes as determined by the State Board of Education; and***
- (3) Provide for the ongoing and systematic assessment and improvement of both teacher evaluation and professional development of the professional staff members of the Board.***

The Superintendent of Schools (or designee) will serve as the chairperson of the committee. ~~The committee shall annually evaluate and revise the professional development plan of the district.~~

Personnel -- Certified

Professional Development (continued)

~~The Board designates the administration to carry out this purpose.~~

~~These responsibilities shall be performed in accordance with the following:~~

- ~~1. State mandates.~~
- ~~2. School District goals.~~
- ~~3. Annual Board goals.~~
- ~~4. The present education program.~~
- ~~5. Projected program changes related to the ongoing curriculum development and review schedule.~~
- ~~6. Present level of expertise in teaching skills and subject matter.~~
- ~~7. Individual staff member's goals related to improving student learning as arrived at by mutual consensus of the staff member and his/her evaluator as part of the yearly evaluation process.~~
- ~~8. The value of staff members sharing their own expertise.~~

Legal Reference: Connecticut General Statutes

10-27 Exchange of professional personnel and students.

10-220a In-Service training.

10-226f Coordinator of intergroup relations.

10-226g Intergroup relations training for teachers.

10-145b Teaching certificates

10-151b Evaluation by Superintendent

Policy adopted: December 9, 2003

Policy revised: October 18, 2005

Policy revised:

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

<p style="text-align: center;">RECOMMENDED FOR REVISION</p> <p style="text-align: center;"><i>Bold Italicized</i> language constitutes an addition</p> <p style="text-align: center;">Stricken language constitutes a deletion</p>

Commentary: It would be advisable to have either the school medical advisor and/or nurse supervisor take part in the review of the Exposure Control Plan. You should also document the review of the Exposure Control Plan. The Conn. Department of Labor has a model exposure control plan on its website as well as sample forms to accompany the plan. These may be found at: <http://www.ctdol.state.ct.us/osha/sample-BloodCont.htm>. The current Exposure Control Plan referred to in this policy was not reviewed, but should be reviewed after making the suggested additions below.

4147.1(a)
4247.1

Personnel - Certified/Non-Certified

Occupational Exposure to Bloodborne Pathogens

In accordance with the United States Department of Labor Occupational Safety, and Health Administration regulations dealing with "Safe Workplace" standards related to exposure to Bloodborne Pathogens, the Board has developed and will implement procedures to protect at risk employees. These procedures, contained in the Board of Education Exposure Control Plan (the "procedures") are designed to comply in full with applicable federal and state law regulations.

Exposure Control Plan

The Superintendent of Schools shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure to bloodborne pathogens. The Exposure Control Plan shall contain at least the following elements:

- (A) Determination of employee exposure (containing a list of all job classifications in which all employees in those job classifications have occupational exposure; a list of job classifications in which some employees have occupational exposure, and a list of all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed);*
- (B) Implementation of various methods of exposure control, including: universal precautions, engineering and work practice controls, personal protective equipment and housekeeping;*
- (C) Hepatitis B vaccination;*
- (D) Post-exposure evaluation and follow-up;*
- (E) Communication of hazards to employees and training;*
- (F) Recordkeeping;*
- (G) Procedures for evaluating circumstances surrounding an exposure incident*

Personnel - Certified/Non-Certified

Occupational Exposure to Bloodborne Pathogens

The procedures will be overseen by the Superintendent or his/her designee, who shall also be responsible for periodically reviewing and updating them. Copies of the procedures will be kept in the Nurse's Office at each school and in Central Office. *Employees may, upon request, receive free copies of the Exposure Control Plan.* The procedures will be monitored by the Connecticut Department of Labor.

It is the policy of the Board of Education, through these procedures, to take all necessary actions to protect its employees from infectious disease, and in particular, HIV and Hepatitis B Virus, a life threatening bloodborne pathogen.

The Board will further provide training and protective equipment to those persons who, by virtue of the performance of job duties, are at risk to come in contact with infectious disease. Finally, all at risk employees of the Board, as defined in the procedures, will be offered the vaccine for Hepatitis B Virus, a life threatening bloodborne pathogen.

Training, needed protective equipment and vaccination, as provided in the procedures, will be at no cost to the personnel and are provided as a precaution for personnel safety.

Legal Reference: ~~29 CFR Part 1910.1030 Occupational Exposure to Bloodborne Pathogens; Final Rule.~~

~~Connecticut State Agencies Regulations Section 31-372-101-1910.1030.~~

~~Connecticut General Statutes 31-372 Adoption of federal and state standards. Variance.~~

Connecticut General Statutes:

31-372 Adoption of federal and state standards. Variances

Regulations Connecticut State Agencies § 31-372-101-1910-1030

29 U.S.C. §§ 653, 655, and 657, Occupational Safety and Health Act of 1970

29 CFR 1910-1030 Occupational exposure to bloodborne pathogens

Appendix A to Section 1910.1030--Hepatitis B Vaccine Declination (Mandatory)

29 CFR 1910.1020(e) Access to records

Policy adopted: December 9, 2003

Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

<p style="text-align: center;">RECOMMENDED FOR REVISION</p> <p style="text-align: center;"><i>Bold Italicized</i> language constitutes an addition</p> <p style="text-align: center;">Stricken language constitutes a deletion</p>

Comment: The last section regarding the Good Samaritan Law is not really a necessary part of this policy and is simply a restatement of the law (which is often revised and likely to become outdated quickly). The suggested revision is merely the updated version of the language currently in the policy. Unlike the other sections, the Good Samaritan Law does not put any obligations on the employee or the Board so you may delete this section if you feel that it serves no purpose.

4148(a)
4248

Personnel -- Certified/Non-Certified

Employee Protection

Use of reasonable physical force upon a student

A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent he reasonably believes such to be necessary to (A) protect himself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

Assaults or threats of physical violence upon school employees

Employees shall immediately report cases of assault suffered by them in connection with their employment to their Principal or other immediate superior, and to local law enforcement agencies. Such notification shall be forwarded immediately to the Superintendent who shall comply with any reasonable request from the employee for information in the possession of the Superintendent relating to the incident or the persons involved, and shall act as liaison between the employee, the police and the courts.

No school administrator shall interfere with the right of a teacher or other school employee to file a complaint with the local police authority in cases of threats of physical violence or actual physical violence against such teacher or employee.

As required by law, the Board of Education will file a report annually with the State Board of Education indicating the number of threats and physical assaults made by students upon teachers, administrators and other school personnel, and the number of physical assaults involving dangerous weapons made by students upon other students.

Personnel -- Certified/Non-Certified

Employee Protection (continued)

Indemnification of employees assaulted in the line of duty

Consistent with the requirements of Connecticut General Statutes § 10-236a, the Board shall protect and save harmless any employee or Board member from financial loss and expense, including payment of expenses reasonably incurred for medical or other service necessary resulting from an assault upon such employee while such person was acting in the discharge of his/her duties within the scope of his/her employment or under the direction of the Board (which expenses are not paid by the employee's insurance, worker's compensation or other source not involving an expenditure by such employee). Any employee absent from employment as a result of injury sustained during such an assault or for a court appearance in connection with such assault shall continue to receive his/her full salary while so absent (minus any worker's compensation payments) and the time of such absence shall not be charged against such employee's sick leave, vacation time or personal leave.

~~As provided by law, the Board of Education shall protect and save harmless any employee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including but not limited to infringement of any person's civil rights, resulting in any injury, which acts are not wanton, reckless or malicious, provided that the employee at the time was acting in the discharge of his or her duties or within the scope of employment or under the direction of the Board.~~

Indemnification of employees

The Board will indemnify employees and Board members from financial loss and expense, including legal fees and costs, arising out of claims of the employee's negligence or malicious, wanton or willful acts in a manner consistent with Connecticut General Statutes § 10-235.

~~Section 52-557b of the General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building, or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services, or any municipal health department, as certified by that agency, has such immunity that extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might constitute ordinary negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence. In addition, an employee who has completed both a course in first aid (as described above) and a course given by the school medical~~

Personnel -- Certified/Non-Certified

Employee Protection (continued)

~~adviser or a licensed physician in the administration of medication by cartridge injection and who renders emergency care on school grounds, in a school building or at a school function by administration of medication by injection to a person in need thereof shall not be liable to the person assisted for civil damages for any injuries which result from acts or omissions by the person in rendering the emergency care of administration of medication by injection, which may constitute negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.~~

"Good Samaritan Law," Connecticut General Statutes 52-557b

A teacher or other school personnel, on the school grounds or in the school building or at a school function, who has completed both a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course, and a course given by the medical advisor of the school or by a licensed physician in the administration of medication by injection, who renders emergency care by administration of medication by injection to a person in need thereof, shall not be liable to the person assisted for civil damages for any injuries which result from acts or omissions by the person in rendering the emergency care of administration of medication by injection, which may constitute ordinary negligence. The immunity provided in this subsection does not apply to acts or omissions constituting gross, wilful or wanton negligence.

The provisions of this law shall not be construed to require any teacher or other school personnel to render emergency first aid or administer medication by injection.

Any person who has completed a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course, or has been trained in the use of a cartridge injector by a licensed physician, physician assistant, advanced practice registered nurse or registered nurse, and who, voluntarily and gratuitously and other than in the ordinary course of such person's employment or practice, renders emergency assistance by using a cartridge injector on another person in need thereof, or any person who is an identified staff member of a before or after school program, day camp or day care facility, as provided in Connecticut General Statutes Section 19a-900, and who renders emergency assistance by using a cartridge injector on another person in need thereof, shall not be liable to such person assisted for civil damages for any personal injuries which result from acts or omissions by such person in using a cartridge injector, which may constitute ordinary negligence. The immunity provided does not apply to acts or omissions constituting gross, wilful or wanton negligence.

Personnel -- Certified/Non-Certified

Employee Protection (continued)

Legal Reference: Connecticut General Statutes

~~10-233b Removal of pupils from class.~~

~~10-233e Suspension of pupils.~~

10-233g Boards to report school violence. Reports of principals to police authority.

10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

10-236 Liability insurance.

10-236a Indemnification of educational personnel assaulted in the line of duty.

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

<p>POLICY REWRITTEN IN ITS ENTIRITY <i>Bold Italicized</i> language constitutes an addition Stricken language constitutes a deletion</p>

Commentary: This policy and its regulation, form and notice replaces Board Policies 5145.5, 5145.51, and 5145.4. It is a companion policy to 5000 (the Equal Educational Opportunity policy) in that both cover the school district's responsibilities with regard to non-discrimination. It is advisable to delete 5145.51 and 5145.4 as they are covered by this policy and Board Policy 5000. This policy revision is suggested in order to bring the student unlawful harassment policies and procedures in line with the personnel policies on the same topic.

5145.5(a)

Students

Sexual and Other Unlawful Harassment of Students

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual, racial and other unlawful harassment. The Board will not tolerate the harassment of any student based on race, color, national origin, sex, disability, religion, sexual orientation, alienage or any other basis prohibited by law.

This policy prohibits unlawful harassment of students by employees, other students, or third parties. This includes protection from harassment by teachers, administrators, Board of Education members, volunteers, visitors and any other individuals who are on school premises, at school-sponsored activities and at other places where such persons may come in contact with students in connection with educational programs and activities.

Students are also prohibited from harassing teachers, administrators or other school personnel on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, marital status, ancestry, genetic information or any other basis prohibited by law.

Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational 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 such conduct is made either explicitly or implicitly a term or condition of a student's education;

Students

Sexual and Other Unlawful Harassment of Students

Definition of Sexual Harassment (continued)

- Submission to or rejection of such conduct by a student is used as a basis for educational decisions affecting that student's education;
- Such conduct has the purpose or effect of substantially interfering with a student's educational performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive educational environment.

Such conduct constitutes sexual harassment whether or not a threat of adverse consequences is carried out and whether or not the student actually suffers any tangible adverse 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 outside the school setting may not be appropriate in the school environment. 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 behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voice mail or text messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display or transmission of sexually suggestive objects, pictures or cartoons, graffiti, 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 educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, recommendation, benefit or activity;

Students

Sexual and Other Unlawful Harassment of Students

Examples of Sexual Harassment (continued)

- Suggesting a poor grade or evaluation will be prepared;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment; and
- Inappropriate attention of a sexual nature.

Relationships in the Educational Environment

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. Furthermore, such relationships may violate state and federal criminal laws.

Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, religion, national origin, sexual orientation, disability, or alienage 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, sex, religion, national origin, sexual orientation, disability or alienage;
- 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, sex, religion, national origin, sexual orientation, disability or alienage;
- 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, sex, religion, national origin, sexual orientation, disability or alienage.

Students

Sexual and Other Unlawful Harassment of Students

Complaint Procedure

All members of the school community are responsible for helping to assure that unlawful harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should promptly report such incidents to a Guidance Counselor, Principal, Assistant Principal, or the district's Title IX Coordinator in accordance with said regulations. Any staff member who has observed or otherwise become aware of conduct prohibited by this policy is required to bring the matter to the immediate attention of the Title IX Coordinator.

The district's Title IX Coordinator for students is:

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

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken as warranted. Any employee, student, 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 or expulsion. He or she may also be personally liable in any civil or criminal legal action brought against him or her.

Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated 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.

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;

Students

Sexual and Other Unlawful Harassment of Students

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 students 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 students at the start of the school year and new students during the school year;
6. Ensuring students are aware of who is serving as Title IX Coordinator for student for the District and how he or she may be reached.

A copy of this policy or appropriate summary notice shall be distributed annually to all students and employees.

Legal References:

Connecticut General Statutes

10-15c Discrimination in public schools prohibited

46a-58 Deprivation of rights

United States Code

20 U.S.C. 1400 Individuals with Disabilities Education Act

20 U.S.C. 1681 Title IX of the Education Amendments of 1972

29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973

42 U.S.C. 2000d Title VI of the Civil Rights Act of 1964

42 U.S.C. 12101 Americans with Disabilities Act

Policy adopted: June 12, 2011
Policy revised: June 12, 2007
Policy revised: March 10, 2009
Policy rewritten:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Students

Sexual Harassment

Peer Sexual Harassment

Peer sexual harassment is strictly forbidden in all schools within this district, on school premises and during any school programs and activities. Peer sexual harassment is any unwelcome physical or verbal conduct of a sexual nature, such as touching or grabbing or making sexual comments directed at a person because of his or her sex, that is so severe, pervasive and objectively offensive that it effectively bars the student's access to an educational opportunity or benefit.

Students are expected to treat their fellow students with dignity and respect at all times on school property and in school programs and activities and to refrain from unwelcome physical or verbal conduct of a sexual nature.

Disciplinary action, up to and including expulsion, may result from violations of this policy. Violations of this policy should be reported to teachers or administrators. Students are encouraged to report sexual harassment immediately. School personnel will take prompt and fair action to investigate any report promptly and to take the appropriate measures to stop the sexual harassment.

(cf. 5145.5 - Sexual Harassment)

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)

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)

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

Students

Nondiscrimination

Americans with Disabilities Act

The Board of Education recognizes its responsibility to comply with federal and state statutes regarding individuals with disabilities, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

The Board directs the Superintendent to develop administrative regulations in order to implement appropriate provisions for students, employees and others who may be affected by these Acts.

(cf. 4118.12/4218.12 - Disabilities)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

United States Code

Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101, *et seq.*

Federal Caselaw

Toyota Motors Mfg., Kentucky, Inc. v. Williams, 534 U.S. 184 (2002)

Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999)

Colwell v. Suffolk County Police Department, 158 F.3d 635 (2nd Cir. 1998)

Policy adopted: June 12, 2001

Policy revised: June 12, 2007

NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut

ITEM OF INFORMATION	
---------------------	--

4211

Commentary: This sample minority teacher recruitment plan should be adapted to reflect the desired practices in your district.

Personnel

MINORITY TEACHER RECRUITMENT PLAN

The following actions will be implemented with regard to minority teacher recruitment:

Recruitment

- *Attend minority teacher recruitment fairs.*
- *Utilize the Capitol Region Education Council (CREC) resources and applications made available by the CREC Minority Teacher Recruitment Program.*
- *Identify and use programs/websites of various colleges and universities known to have high percentages of minority students.*
- *Expand and utilize pool of nontraditional advertising sources such as the internet, minority publications, media, and organizations.*
- *Identify and encourage potential teacher candidates from among the current minority student population and other employee groups.*
- *Actively seek changes to the state certification/retirement provisions to enhance out-of-state recruitment.*

Hiring

- *Where possible, include minority teachers in visits to teacher recruitment fairs.*
- *Review district hiring/interviewing procedures and ensure racial and cultural sensitivity.*

Retention

- *Provide an orientation program and support network for all minority teachers.*
- *Schedule periodic meetings throughout the year for all first year teachers.*

Legal Reference: *Connecticut General Statutes*
10-4a Educational interests of the state identified
10-220(a) Duties of Boards of Education

Regulation adopted:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

ITEM OF INFORMATION

Commentary: This administrative regulation is intended to accompany the EEO policy. It describes the method by which an employee may make a complaint alleging a violation of the EEO policy. You also have a Sexual and Other Unlawful Harassment policy, which addresses harassment (which is a form of EEO violation). This administrative regulation parallels the unlawful harassment regulation and the complaint form is the same for both. The EEOC encourages employers to have a separate sexual harassment policy for a variety of reasons.

4111.1(a)
4211.1

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, 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, marital status, ancestry, genetic information, or veteran status or should immediately

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

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
860-210-2202.

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.

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

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.

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 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.

Personnel – Certified/Non-Certified

Procedures for Employee Complaints of Discrimination

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.

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, 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.

ITEM OF INFORMATION

*4111.1 / 4211.1 and 4118.112 / 4218.112
Appendix A
Regulation*

Employee - Complaint of Discrimination and/or Unlawful Harassment

Name of complainant: _____ Position/Location: _____

Date of complaint: _____ 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) – AGE - DISABILITY -
RELIGION - SEXUAL ORIENTATION - MARITAL STATUS – ANCESTRY – GENETIC INFO.

Date(s) and place(s) of alleged discrimination 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: _____

ITEM OF INFORMATION

Commentary: Suggest deletion of this regulation as it merely repeats the policy and provides no further guidance.

4112.8

4212.8

Personnel -- Certified/Non-Certified

Nepotism: Employment of Relatives

The following regulations shall govern conflict of interest in the employment of staff:

1. ~~Persons related by blood or marriage to a Board of Education member may be employed following full disclosure of the relationship by the Board of Education member in a public meeting and sufficient vote of appointment without counting the vote of the related Board of Education member.~~
2. ~~Persons related by blood or marriage to members of the administrative staff shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.~~
3. ~~Members of the same family may be employed at the same department or work location when approved in writing by the Superintendent or the Superintendent's designee (Exception: members of the same family shall not be approved in direct line of supervision.)~~

~~It is the intent of these rules to avoid any situation where a conflict of interest can arise either on the part of the member of the Board of Education or a member of the administrative staff.~~

~~(cf. 9270 -- Conflict of interest)~~

Regulation approved:

December 9, 2003

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

ITEM OF INFORMATION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4118.112(a)

4218.112

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. 4218.112 and 4118.113 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, race, color, religion, national origin, ancestry, marital status, age, ~~or physical or mental~~ 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.

~~The administrator should urge the complainant to state his or her complaint in writing and sign the complaint. The administrator should document the complaint even if the complainant refuses to commit the complaint in writing. In such instance, the administrator should ask the complainant to review the complaint for accuracy and have the complainant sign. If the complainant refuses to sign, the administrator should note so on the form. The complaint should include at a minimum, the name of the complainant, date of the complaint, date of the alleged harassment, name or names of the alleged harasser(s) and a detailed statement of the circumstances leading to 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.

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Responsibilities of Personnel

All Employees. ~~Any employee, supervisor or administrator who feels that he or she is a victim of sexual or other unlawful harassment is strongly urged to immediately notify the offender that his or her behavior is unwelcome and firmly request that it stop. If the conduct does not stop or the victim is uncomfortable confronting the offender, the victim should immediately report the complaint to the Principal, Assistant Principal or District Title IX Coordinator. The complaint should promptly be committed to writing. The school system has a form for this purpose that the complainant may use if he or she chooses.~~ ***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 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.***

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

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, 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*

Upon any notice from an employee that illegal harassment may be occurring, the ***school official taking the complaint*** ~~administrator~~ 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 hesitate 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

4118.112(d)
4218.112

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

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.

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 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*

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

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.*

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*

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

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 Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, 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

~~***District Title IX Coordinator.** The District Title IX Coordinator (or Superintendent or his/her designee) is responsible for designating the investigator of any complaint, which may be him or herself, a staff member, another administrator or an outside investigator, and providing guidance*~~

~~*as necessary. The advice of legal counsel should be sought as necessary. (See responsibilities of Investigators below).*~~

~~*The District IX Coordinator is also responsible for ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment, including but not limited to Sections 46a-60 (a)(8) and 46a-54 of the General Statutes of Connecticut, and Sections 46a-54-200 through 46a-54-207 of the Regulations of Connecticut State Agencies. The District Title IX Coordinator reviews the Board's policy on sexual and*~~

~~*unlawful harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.*~~

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

The definition of “sexual harassment” as well as the process by which any employee may make a complaint of sexual or other illegal harassment is part of the orientation for all new employees. The District Title IX Coordinator ensures that the Board’s policy and administrative regulations are distributed to all employees at the time of hire, with each update, and periodically thereafter. He or she is also responsible for conspicuously posting the policy in places of employee access and ensuring employees are aware of who is serving as the District Title IX Coordinator for the Board and how he or she may be reached.

Investigators. After an impartial and prompt investigation of the complaint, the investigator should ascertain, with the proper assistance, whether the alleged conduct occurred, and whether such conduct constitutes a violation of the Board’s policy. If there is a violation, the investigator should recommend the action necessary to eradicate the harassment, to discourage like conduct in the future, and to communicate that such conduct is inappropriate and a violation of Board policy. When violations occur, discipline of the offender may include, but is not limited to, a verbal or written reprimand, reassignment, transfer, suspension or termination.

After assessing the findings and recommending corrective action in regard to a sexual or other harassment investigation, the investigator, with the assistance of the District Title IX Coordinator, should summarize in writing the findings, conclusions and recommendations. Depending on the nature of the complaint, the report and supporting documentation may be forwarded to the Superintendent (or designee) for a second review in which case the initial report should clearly be labeled “Preliminary”. If a second internal review is warranted but is impractical or implausible in light of the circumstances or persons involved, the report may be forwarded to outside legal counsel or an outside investigator. The second reviewer should review the investigative file, conduct further investigation if needed, and prepare a revised summary report. The findings and corrective actions should be communicated to the complainant and the alleged offender.

All investigators should carefully document all aspects of their review, investigation, and subsequent communications. The brief summary report should not disclose individual’s names, except the names of the complainant and the alleged harasser. Documentation of the investigation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee’s personnel file.

Regulation approved: December 9, 2003
Regulation revised: November 7, 2005
Regulation revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

ITEM OF INFORMATION

*4111.1 / 4211.1 and 4118.112 / 4218.112
Appendix A
Regulation*

Employee - Complaint of Discrimination and/or Unlawful Harassment

Name of complainant: _____ Position/Location: _____

Date of complaint: _____ 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) – AGE - DISABILITY -
RELIGION - SEXUAL ORIENTATION - MARITAL STATUS – ANCESTRY – GENETIC INFO.

Date(s) and place(s) of alleged discrimination 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: _____

ITEM OF INFORMATION

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

4118.4(a)

4218.4

Personnel – Certified/Non-Certified

Computer and Internet Use

Introduction

The New Milford Public School District believes in the educational value of electronic communications and recognizes their potential to support the District's educational program. Resource sharing and communication for both students and teachers have increased with access to telecommunications and to the Internet. It is imperative that, while using the District's computer resources, school personnel conduct themselves in a responsible manner consistent with this regulation and related policies, practices and rules of the District.

What are "Computer Resources"

When used in this regulation, the term "computer resources" refers to the District's entire computer network. This includes the District's computer system, file servers, application servers, communication servers, mail servers, fax servers, web servers, work stations, stand alone computers, laptops, software, data files, and all internal and external computer and communications networks that may be accessed directly or indirectly from the District's computer network. ***It therefore includes all e-mail and Internet access.***

Who is a "User"

When used in this regulation, the word "user" refers to employees, independent contractors, consultants, temporary workers, and other persons or entities who use or come into contact with the District's computer resources.

Ownership of the Computer Resources

The computer resources are the property of the District and may only be used for approved purposes. Users are permitted access to assist them in the performance of their jobs. Occasional use of the computer resources by an individual school employee for personal communications is permitted when the use does not interfere with the employee's or other User's job responsibilities, performance of the computer resources, or operation of the District. A short social message and a quick note to a family member are examples of permitted personal use. Use for personal or third party gain or profit, or for entertainment, is strictly prohibited. Solicitation for any purpose, other than to support a community service drive officially sponsored by the District, will not be tolerated.

Personnel – Certified/Non-Certified

Computer and Internet Use

Employees are reminded that this limited, occasional personal use must comply with this regulation and accompanying policy, and all other policies, regulations and practices of the District. Use of computer resources is a privilege that may be revoked at any time, in whole or in part, at the sole discretion of the District.

No Expectation of Privacy

Users should never consider electronic communication, whether job related or personal, to be either private or secure. E-mail can be stored indefinitely on any number of computers. Copies of a user's messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to non-existent or incorrect user names may be delivered to unintended recipients.

The District has the right, but not the duty, to monitor any and all aspects of its computer system. Users consent to allowing the District to access and review all materials users create, store, send, or receive on the computer system or through the Internet or any other computer network.

Users understand that the District may use human or automated means to monitor use of the computer resources. Such monitoring may include, but is not limited to, monitoring sites visited by Users on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by Users to the Internet, and reviewing e-mail sent and received by Users.

Use of passwords to gain access to the computer system or to encode particular files or messages does not imply that Users have an expectation of privacy in such access or materials. Means are available to the District permitting it to access all material stored on the computer system, regardless of whether that material has been encoded with a particular User's password.

Users may receive or create e-mail messages and other documents that are public records that may be subject to disclosure under the Freedom of Information Act.

Quality of Communications

Users must make each electronic communication truthful and accurate. They must use the same care in drafting e-mail and other electronic documents as they would for any other written communication. Users must keep in mind that anything created or stored in the computer system may, and likely will, be reviewed by others and treated as public records.

Information published or otherwise distributed electronically is subject to the same laws, policies, regulations and procedures regarding the distribution and retention of District

Personnel – Certified/Non-Certified

Computer and Internet Use

information, including, but not limited to regulation of records retention, public requests for information and distribution of information to the public.

Because the District's name appears with communications sent on the Internet from its computer resources, Users must take special care that personal views are not misrepresented or easily misinterpreted as those of the District.

Internet Material

The Internet is a worldwide network of computers that contains millions of pages of information that vary in accuracy and reliability. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk. The District is not responsible for material viewed or downloaded by Users from the Internet.

Prohibited Activities

Users must not use the District's computer resources to knowingly violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, municipality or other local jurisdiction. The District will cooperate with any legitimate law enforcement activity resulting from the use of its computer resources.

Users may not send material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate. It does not matter how such material is sent, whether it is by e-mail or other form of electronic communication, such as bulletin board systems, news groups, or chat groups. Further, such material may not be displayed on or stored in District's computers. Users encountering or receiving such material should immediately report the incident to the administration.

Users must not alter the "from" line or other attribution-of-origin information in e-mail, messages, or postings. Anonymous or pseudonymous electronic communications are forbidden. Users must identify themselves honestly and accurately when participating in chat groups, making postings to news groups, sending e-mail, or otherwise communicating on-line.

Personnel – Certified/Non-Certified

Computer and Internet Use

Without prior written authorization from the administration, Users may not do any of the following with respect to software:

- Copy software for use on their home computers;
- Provide copies of software to any independent contractors or clients of the District or to a third person;
- Install software on any of the District's work stations or servers;
- Download any software from the Internet or other on-line service to any of the District's work stations or servers;
- Modify, revise, transform, recast, or adapt any software; or
- Reverse engineer, disassemble or de-compile any software.

Unless expressly authorized by the administration, sending, transmitting, or otherwise disseminating proprietary data or other confidential information is strictly prohibited.

Users may not send unsolicited e-mail to persons with whom they do not have a prior relationship without the express permission of the administration.

Users must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. Because audio, video and picture files require significant storage space, files of this sort may not be downloaded without the express permission of the administration.

Student use of the Internet is outlined in the Student Responsible Use for Electronic Information Resources policy and agreement and all student use of computer resources must be consistent with this policy. Encouraging, allowing, or ignoring student use of the computer resources in a manner contrary to the policy or Agreement is strictly prohibited.

Copyright

In their use of computer resources, Users must comply with all software licenses, copyrights, and all other state, federal, and international laws governing intellectual property and on-line activities. The ability to read, alter, or copy a file belonging to another User does not imply permission to read, alter, or copy that file. Users may not alter or copy a file belonging to another User without first obtaining written permission from the owner of the file.

Security

Users are responsible for safeguarding their passwords for access to the computer system. Individual passwords should not be printed, stored on-line, or given to others. Users are

Personnel – Certified/Non-Certified

Computer and Internet Use

responsible for all transactions made using their passwords. No User may access the computer system with another User's password or account.

Users may not use the computer system to "snoop" or pry into the affairs of other users by unnecessarily reviewing their files and e-mail. A User's ability to connect to another computer system does not imply a right to connect to those systems unless authorized to do so.

Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of the District's computer resources. This duty includes taking reasonable precautions to prevent intruders from accessing the District's network without authorization.

Viruses can cause substantial damage to computer systems. Each User is responsible for taking reasonable precautions to ensure he/she does not introduce viruses into the District's network. All material not belonging to the District must be scanned for viruses prior to placed onto the District's computer system. Users should understand that their home computers and laptops might contain viruses. All disks transferred from these computers to the District's network must be scanned for viruses.

Policy Violations

Users have a responsibility to understand and adhere to this regulation and related policy, practices and procedures. Users are encouraged to bring any questions that arise concerning this regulation or the use of computer resources to the attention of the administration.

Violations of this regulation and related policies, practices and regulations may result in disciplinary action, including possible termination, and civil and criminal liability. In addition, Users will be responsible for any losses, costs or damages incurred by the District as a result of unauthorized use. Users who become aware of or suspect a violation have a responsibility to report the incident to the administration.

REGULATION REWRITTEN IN ITS ENTIRETY

Bold Italicized language constitutes an addition

~~Stricken~~ language constitutes a deletion

Commentary: This regulation should be posted on the district's website along with the policy.

5145.5(a)

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, 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.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

Responsibilities of Students and Personnel (continued)

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.

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, 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:

**Maureen E. McLaughlin, Ph.D.
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.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

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.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

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.

Students

Procedures for Complaints of Sexual, Racial and Other Unlawful Harassment

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.

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

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: _____

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 or sexual orientation in any of its programs, activities and employment practices. 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, 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 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:

Maureen E. McLaughlin, Ph.D.
Office of the Assistant Superintendent
50 East Street, New Milford, CT 06776
(860) 354-3235

**New Milford Board of Education
Policy Meeting Minutes
March 15, 2011
Lillis Administration Building**

Present:	Mrs. Wendy Faulenbach, Chairperson Mr. David Lawson Mrs. Alexandra Thomas Mrs. Lynette Celli Rigdon
Absent:	Mrs. Nancy Tarascio-Latour
Also Present:	Dr. JeanAnn C. Paddyfote, Superintendent of Schools Dr. Maureen McLaughlin, Assistant Superintendent Ms. Ellamae Baldelli, Director of Human Resources

NEW MILFORD, CT
2011 MAR 18 A 11:35

NEW MILFORD, CT

1.	Call to Order The meeting of the New Milford Board of Education Policy Committee was called to order at 6:30 pm.	Call to Order
2.	Public Comment There was none.	Public Comment
3. A.	Discussion and Possible Action Recommended for Revision Mrs. Faulenbach noted that the 4000 series had been reviewed for the first time last month and this was a second review.	Discussion and Possible Action Recommended for Revision
1.	Policy 4111/4211 Recruitment and Selection	Policy 4111/4211 Recruitment and Selection
2.	Policy 4111.1/4211.1 Equal Employment Opportunity	Policy 4111.1/4211.1 Equal Employment Opportunity
3.	Policy 4112.4/4212.4 Physical Examinations <ul style="list-style-type: none"> Mr. Lawson asked how "reasonable suspicion" might be determined. Ms. Baldelli said there is an automated monitoring system for employees and if a pattern of absences appears the employee is contacted. The contract does allow the administration to discuss attendance. 	Policy 4112.4/4212.4 Physical Examinations
4.	Policy 4112.5/4212.5 Criminal History Checks	Policy 4112.5/4212.5 Criminal History Checks
5.	Policy 4112.8/4212.8 Nepotism	Policy 4112.8/4212.8 Nepotism
6.	Policy 4115 Certified Evaluations	Policy 4115 Certified Evaluations
		Other Unlawful Harassment
		Policy 4118.112/4218.112 Sexual and Other Unlawful Harassment
		Policy 4118.13/4218.13 Conflict of Interest
		Policy 4118.5/4218.5 Electronic Monitoring
		Policy 4121 Substitute Teachers
		Policy 4131 Professional Development
		Policy 4147.1/4247.1 Occupational Exposure to Bloodborne Pathogens
		Policy 4148/4248 Employee Protection
		Policy 5145.5 Sexual and Other Unlawful Harassment of Students

	<ul style="list-style-type: none"> Ms. Baldelli noted this policy addresses an evaluation plan which has been approved by the state. 	
7.	Policy 4118.112/4218.112 Sexual and Other Unlawful Harassment <ul style="list-style-type: none"> Ms. Baldelli noted in this policy the student reference has been moved to another policy because this now addresses the personnel. 	
8.	Policy 4118.13/4218.13 Conflict of Interest <ul style="list-style-type: none"> Ms. Baldelli said this excludes gifts to coaches that are within reason. 	
9.	Policy 4118.5/4218.5 Electronic Monitoring	
10.	Policy 4121 Substitute Teachers <ul style="list-style-type: none"> Ms. Baldelli noted New Milford's policy is that all substitutes have a bachelors' degree. 	
11.	Policy 4131 Professional Development <ul style="list-style-type: none"> Ms. Baldelli noted the wording will now read the committee shall be responsible for developing, evaluating and updating annually of a comprehensive development plan. 	
12.	Policy 4147.1/4247.1 Occupational Exposure to Bloodborne Pathogens <ul style="list-style-type: none"> Mrs. Rigdon noted that the commentary suggested that advice be sought from the school medical or nurse supervisor and she asked if that had been done and Ms. Baldelli said it had. 	
13.	Policy 4148/4248 Employee Protection <ul style="list-style-type: none"> Ms. Baldelli noted the employees feel more comfortable with this policy in place. 	
14.	Policy 5145.5 Sexual and Other Unlawful Harassment of Students <ul style="list-style-type: none"> Ms. Baldelli said this is where the students are 	

	<p>addressed from policy 4118.112/4218.112 and the superintendent is specifically designated.</p> <p>Mrs. Thomas moved to send to the full Board for first review the above considered policies, seconded by Mrs. Rigdon and passed unanimously.</p>	<p>Motion made and passed unanimously to send to the full Board for first review the above considered policies.</p>
B. 1.	<p>Recommended for Deletion Policy 5145.51 Sexual Harassment: Peer Sexual Harassment</p> <ul style="list-style-type: none"> Ms. Baldelli noted this is now incorporated in the new policy. 	<p>Recommended for Deletion Policy 5145.51 Sexual Harassment: Peer Sexual Harassment</p>
2.	<p>Policy 5145.4 Nondiscrimination: Americans with Disabilities Act</p> <ul style="list-style-type: none"> Ms. Baldelli commented that the Board Counsel was very appreciative of the Board actually reading and reviewing these policies and asking further questions of them. <p>Mr. Lawson moved to bring to the full June Board meeting the deletion of policies 5145.51 Sexual Harassment: Peer Sexual Harassment and 5145.4 Nondiscrimination: Americans with Disabilities Act assuming revised policy 5145.5 and revised policy 4111.1/4211.1 are adopted by the full Board, seconded by Mrs. Thomas and passed unanimously.</p>	<p>Policy 5145.4 Nondiscrimination: Americans with Disabilities Act</p> <p>Motion made and passed unanimously to bring to the full June Board meeting the deletion of policies 5145.51 Sexual Harassment: Peer Sexual Harassment and 5145.4 Nondiscrimination: Americans with Disabilities Act assuming revised policy 5145.5 and revised policy 4111.1/4211.1 are adopted by the full Board</p>
4.	<p>Items of Information</p>	<p>Items of Information</p>
A. B. C. D. E.	<p>Regulation 4111/4211 Minority Teacher Recruitment Plan Regulation 4111.1/4211.1 Procedures for Employee Complaints of Discrimination Regulation 4112.8/4212.8 Nepotism Regulation 4118.112/4218.112 Sexual and Other Unlawful Harassment Regulation 4118.4/4218.4 Computer and Internet Use</p>	<p>Regulation 4111/4211 Minority Teacher Recruitment Plan Regulation 4111.1/4211.1 Procedures for Employee Complaints of Discrimination Regulation 4112.8/4212.8 Nepotism Regulation 4118.112/4218.112 Sexual and Other Unlawful Harassment</p>

F.	Regulation 5145.5 Procedure for Complaints of Sexual, Racial and Other Unlawful Harassment <ul style="list-style-type: none">• Mr. Lawson said it is probably good that the computer and internet regulation should be updated annually given changes in technology	Regulation 4118.4/4218.4 Computer and Internet Use Regulation 5145.5 Procedure for Complaints of Sexual, Racial and Other Unlawful Harassment
5.	Adjournment Mrs. Thomas moved to adjourn the meeting at 6:53 pm, seconded by Mrs. Rigdon and passed unanimously.	Adjournment Motion made and passed unanimously to adjourn the meeting at 6:53 pm.

Respectfully submitted,



Wendy Faulenbach, Board Chair
New Milford Board of Education