

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

TRUMBULL PUBLIC SCHOOLS
BOARD OF EDUCATION
POLICY MANUAL

SECTION: **4000**
CATEGORY: **Personnel – Certified and
Non-Certified**
POLICY CODE: **4118.112/Sex Discrimination
and Sexual Harassment in the
Workplace**

SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE

Policy Statement

The Trumbull Board of Education is committed to safeguarding the right of all employees within the District to a work environment free from all forms of sexual discrimination and/or harassment. Therefore, the Board condemns and prohibits all unwelcome behavior of a sexual nature which is designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment unreasonably interfering with the employee’s work performance or adversely affecting the employee’s employment opportunities. The Board also strongly opposes any retaliatory behavior against complainants or witnesses.

Any employee who believes that he/she/they has been subjected to sex discrimination or sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, must ensure that an investigation is promptly commenced by the appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures related to reporting, investigating, and remedying allegations of sex discrimination and/or sexual harassment.

A copy of this Policy and its accompanying Regulations is to be distributed to all employees at the start of the school year.

Adopted: 1/20/1981
Revised: 10/20/1992, 9/7/1993,
10/4/2000, 3/27/2018, 1/14/2020, 4/12/2022

References

- Title IX of the Education Amendments of 1972
- Connecticut General Statutes §§ 17a-101, 46a-54, 46a-60
- Connecticut Public Act 19-16, “An Act Combatting Sexual Assault and Sexual Harassment”

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

- Title IX Final Rule, May 6, 2020
 - Trumbull Board of Education Policy Code 0521: Non-Discrimination
 - Trumbull Board of Education Policy Code 5145.5: Sexual Harassment of Students
- 4118.112/Sex Discrimination and Sexual Harassment in the Workplace**

Regulations

I. Definitions

- A. “Sex discrimination” is defined as when an employer refuses to hire, disciplines, or discharges any individual, or otherwise discriminates against an individual with respect to his/her/their compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. “Sex discrimination” is also defined as when a person, because of his/her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.
- B. “Sexual harassment,” a form of sex discrimination, means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
- C. “Employee” means any individual hired by the Board of Education.
- D. “Immediate supervisor” shall mean the person to whom the employee is directly responsible.

II. Policy Awareness

- A. Each school shall post in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.
- B. Each employee shall be provided, no later than three months after the employee’s start date with the District, a copy of the information concerning the illegality of sexual harassment, and remedies available to victims of sexual harassment, by electronic mail with a subject line that includes the words “Sexual Harassment Policy” or similar, if the District has provided an e-mail account to the employee, or if the employee has provided the District with an e-mail address.
- C. The Board will also post such information on the District’s website.

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

- D. A copy of this Policy and its accompanying Regulations is to be distributed to all employees at the start of the school year.
- E. Consistent with requirements of the State of Connecticut, staff training in the prevention of sex discrimination and sexual harassment in the workplace shall be conducted annually as part of the District's continuing staff development program. Training and education shall also take place no later than six months after the date of a new employee's hire.

III. Complaint Procedures

- A. The Director of Human Resources or the Superintendent's designee will serve as the District's Title IX Coordinator.
- B. If an employee believes that he/she/they is being or has been subjected to sex discrimination or sexually harassed, the employee is to report the incident to the Title IX Coordinator and his/her/their immediate supervisor. Should the Title IX Coordinator, or the immediate supervisor, be the subject of the complaint, the report shall be made to the Superintendent, who shall investigate or appoint a designee to do so. Incidents of sex discrimination or sexual harassment may be reported informally or through the filing of a formal complaint.
- C. All reports of sexual harassment shall be held in confidence subject to all applicable state and federal laws.
- D. Consistent with federal and state law, the following procedures shall be employed in handling any report, investigation, and remedial action concerning allegations of sexual harassment.

1. Informal Complaints

- i. An employee who believes that he/she/they is being or has been subjected to sex discrimination or sexually harassed may request that an informal meeting be held between himself/herself/themselves and his/her/their immediate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged perpetrator.
- ii. Should the perpetrator admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether he/she/they is satisfied with the resolution. If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

for investigation if a recurrence of sex discrimination or sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

- iii. If, during the supervisor's informal attempt to resolve the complaint, the perpetrator admits the allegations but refuses to give assurance that he/she/they will refrain from the unwelcome behavior in the future, the supervisor is to file a report with the Title IX Coordinator. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the perpetrator of the allegations against him/her, the perpetrator's response to the allegations, and a recommendation that stronger corrective actions be taken. This report should be accompanied by a formal complaint.
- iv. Should the alleged perpetrator deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the Title IX Coordinator on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

2. Formal Complaints

- i. A formal complaint may be submitted either to initially report any incidence of sex discrimination or sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint.
- ii. The formal written complaint should state the:
 - (a) Name of the complainant;
 - (b) Date of the complaint;
 - (c) Date of the alleged discrimination/harassment;
 - (d) Name or names of the alleged perpetrator(s);
 - (e) Location where such alleged discrimination/harassment occurred;
 - (f) Details of the circumstances constituting the alleged discrimination/harassment, including witnesses, if any; and,
 - (g) If the incident has been reported before, details of the prior report, prior resolution, and complainant's dissatisfaction.
- iii. Any employee who believes that he/she/they has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Southwest Region Office of the Connecticut Commission on Human Rights and Opportunities, 350 Fairfield Avenue, 6th Floor, Bridgeport, CT, 06604, 203-579-6246, and/or the Equal Employment Opportunity Commission, Boston Area Office, 475 Government Center, Boston, MA, 02203, 617-565-3200. Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

sexual harassment may include cease and desist orders, back pay, compensatory damages, hiring, promotion, and/or reinstatement.

3. Complaint Investigations, Remedial Actions, Appeals, and Post-Remedial Actions

- i. Complaints will be investigated promptly. Corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, and reprisals or retaliation that occur as a result of the good-faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.
- ii. If the investigation reveals that sex discrimination or sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.
- iii. Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law.
- iv. If an investigation reveals that no sex discrimination or sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sex discrimination or sexual harassment, the complainant may appeal in writing to the Superintendent or the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.
- v. Following a finding of sex discrimination or sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the discrimination/harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

4. Complaint Records

A complainant should receive a copy of any resolution report filed by the supervisor concerning his/her/their complaint. Copies should also be filed with the employment records of both the complainant and the alleged perpetrator.

5. Investigation in the Absence of a Complaint

In the absence of a victim's complaint, the Board, upon learning of, or having reasons to suspect, the occurrence of any sex discrimination or sexual harassment, must ensure that an investigation is commenced by the appropriate individuals to the extent required by, and in accordance with, federal and state law.

4118.112/Sex Discrimination and Sexual Harassment in the Workplace

6. Role of the District's Title IX Coordinator The District's Title IX Coordinator shall immediately institute an inquiry into allegations which shall include, but not be limited to:
- i. Advising the Superintendent of Schools that a complaint of alleged sex discrimination or sexual harassment has been filed.
 - ii. Interviewing the complaining adult or student in a confidential setting. In the case of a student, the parent/guardians shall be notified (unless the parent/guardian is the subject of the allegations) and invited to be present for the interview.
 - iii. Conducting interviews with all parties named as perpetrators of and witnesses to the alleged sex discrimination or sexual harassment.
 - iv. Filing a report of findings with the Superintendent of Schools. If the findings result in reasonable cause to suspect or believe that any child under the age of eighteen has been abused, the District's Title IX Coordinator shall also file a report with the State of Connecticut Commissioner of Children and Youth Services. Nothing contained herein shall abrogate the reporting requirements of school personnel pursuant to Connecticut General Statutes §17a-101 in cases of suspected child abuse.