

HARASSMENT

Harassment of an employee by a supervisor or co-worker, or visitors to our facilities, on the basis of sex or inclusion in a protected class under law creates a harmful working environment and is illegal under state and federal law. It is the policy of the Manchester Public Schools to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex or inclusion in a protected class. Manchester Public Schools will not tolerate harassment on any basis. In that regard, the examples set out below, addressing sexual harassment, should also be considered as examples of types of behavior, which will not be tolerated in connection with any protected class status.

Training

New employees will receive training regarding forms of harassment, including sexual harassment. Such training may include a review of this policy and procedures, state and federal law, discussion, films, and related activities.

A. Sexual Harassment

Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the 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 the individual is used as the basis of employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment; and
5. Any sexual or romantic relationships between employees of the Board of Education and students are highly inappropriate and unacceptable whether or not they constitute sexual harassment as defined in this policy.

Any infraction of this policy by an employee should be reported immediately to the Immediate Supervisor and the Assistant to the Superintendent for Finance and Management or the Title IX Coordinator or the Superintendent of Schools. Manchester Public Schools will endeavor to keep such reports or complaints confidential, sharing them with others only on a need-to-know basis, to enable their investigation and resolution. All reports or complaints of suspected harassment will be investigated in a timely manner and Manchester Public Schools will take whatever steps it considers appropriate to resolve the matter.

Retaliation against any employee for complaining about harassment is prohibited under this policy and is illegal under state and federal law. Violations of this policy, including this anti-retaliation provision, will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sexual or other forms of harassment may also be subject to civil and criminal penalties.

Any employee who believes that he or she has been harassed in or out of the workplace in violation of this policy may also file a complaint with:

- Connecticut Commission on Human Rights and Opportunities (CHRO), 21 Grand Street, Hartford, CT 06106, Telephone number (860) 541-3400 or 1-800-477-5737; TDD NUMBER (860) 655-2301);
- Equal Employment Opportunity Commission (EEOC), One Congress Street, Boston, MA 02114 (Telephone number 617-565-2300; TDD number 617-565-3204);

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- Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921 (Telephone Number 617-289-0111/Fax 617-289-0150/TDD 877-521-2172);
- State Title IX Coordinator/Civil Rights Compliance, CT Department of Education, Bureau of Accountability & Improvement, 165 Capitol Ave., Room 221, Hartford, CT 06106 (Telephone Number (860) 713-6752/Fax Number (860) 713-7035).
- The Manchester Police Department (Telephone Number (860) 645-5500/Fax Number (860) 643-2939).

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 harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

B. Other Forms of Harassment

Other types of harassment also are prohibited by federal or state law, such as harassment on the basis of race, color, religion, national origin, age, marital status, sexual orientation, past/present history of mental disorder, mental retardation, physical or learning disability including blindness, genetic information or any other characteristics protected by applicable law.

Therefore employees of Manchester Public Schools should also report situations involving any of these other forms of harassment, through the complaint and investigation procedure set forth above. Any questions should be directed to the Immediate Supervisor and the Assistant to the Superintendent for Finance and Management or the Title IX Coordinator or the Superintendent of Schools. As with sexual harassment, employees may make inquiries of, or file complaints with, the Connecticut commission on Human Rights and Opportunities and/or Equal Employment Opportunity Commission.

The Assistant to the Superintendent for Finance and Management and Title IX Coordinator are responsible for compliance with Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1987, the Americans with Disabilities Act, and Title IX of the Education Amendments of 1972. The Director of Pupil Personnel Services and the Coordinator of School Health Services is responsible for Section 504 of the Rehabilitation Act of 1973.

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Revised: 1/25/10

HARASSMENT - ADMINISTRATIVE GUIDELINES

If an employee believes that he/she is being or has been subject to behavior that could constitute harassment in any form, that person should immediately inform the perpetrator that his/her behavior is unwelcome, unacceptable, offensive, in poor taste, unprofessional, and/or highly inappropriate and that such behavior must stop. It is recognized, however, that victims of harassment are not always able to express their feelings to their harasser or to others. In all cases, the responsibility for ending the harassment rests with the harasser, not the victim.

As soon as an employee feels that he or she has been subjected to sexual harassment or other forms of harassment, he or she should make a written complaint to his/her Immediate Supervisor and the Assistant to the Superintendent for Finance and Management or the Title IX Coordinator or the Superintendent of Schools. Normally, complaints should be made within thirty (30) days of the act of harassment.

Complaint forms are available from the Assistant to the Superintendent for Finance and Management and/or the Title IX Coordinator and/or supervisors. The complaint should state:

1. The name of the complainant and the date of the complaint,
2. The date of the alleged harassment,
3. The name or names of the alleged harasser or harassers,
4. Where such harassment occurred, and
5. A statement of the circumstances constituting the alleged harassment.

Any employee who makes an oral complaint of harassment to personnel other than those listed above will be provided a copy of this regulation and a complaint form and will be instructed to make a written complaint pursuant to the above procedure. Should the employee be unable to use written communication, the complaint should be made using other generally accepted communication means or tools.

All complaints are to be forwarded immediately to the Assistant to the Superintendent for Finance and Management or the Title IX Coordinator unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools.

If possible, within five (5) working days of receipt of a written complaint, the complainant shall be supplied with a copy of this Policy and Administrative Guidelines when necessary in order that he or she will be made fully aware of this or his/her rights and the Board's procedure for handling the complaint.

If possible, within five (5) working days of receipt of the complaint, the Assistant to the Superintendent for Finance and Management or the Title IX Coordinator shall commence a thorough investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged

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harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant or alleged harasser is dissatisfied with the result of the investigation, he or she may file a written appeal to the Assistant to the Superintendent for Finance and Management or Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Assistant to the Superintendent for Finance and Management or the Superintendent may also conduct a reasonable investigation including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this interview, either the Assistant to the Superintendent for Finance and Management or the Superintendent shall respond to the appellant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or other forms of harassment has occurred, the district shall take all other reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to sexual harassment or other forms of harassment may include reassignment, transfer, or disciplinary action up to and including termination of employment. Nothing in this regulation shall be deemed to override applicable provisions of any collective bargaining agreement between the Board and an employee bargaining unit.

Should the investigation conclude that a visitor to the building engaged in harassment of an employee or student, a complaint may be filed with the Manchester Police Department or other legal action may be taken.

Central Office Coordinator

The Assistant to the Superintendent for Finance and Management, who may be reached at (860) 647-3444, or the Title IX Coordinator, who may be reached at (860) 647-3595, will normally handle questions, complaints and other matters concerning sexual harassment.

MANCHESTER PUBLIC SCHOOLS
MANCHESTER, CONNECTICUT

HARASSMENT COMPLAINT FORM

Any employee or employee applicant who feels that he/she has been harassed in violation of Harassment Policy # 4013 may discuss and/or file a complaint with the Assistant to the Superintendent for Finance and Management for Manchester Public Schools or the Title IX Coordinator for Manchester Public Schools, 45 North School Street, Manchester, CT 06042 TELEPHONE (860) 647-3444 or (860) 647-3595. Reporting should take place within 30 calendar days of the alleged harassment.

Date of Claim _____

Name of Complainant _____

Home address _____ Telephone _____

Date(s) of Incident _____

Statement of Incident/issue (include all pertinent information: who, how, where, when, how often, feelings, witness):

Please attach any additional information/documentation as necessary.

A copy of the complaint, if requested, will be provided to the alleged harasser.

Signature of complainant _____

Signature of Assistant to the Superintendent for Finance and
Management _____

Date received by Human Resources Department: _____

Forms are available from the Human Resources Department and School Administrators.

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