

NON-DISCRIMINATION

The New Milford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

With respect to employees, it is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee’s actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include 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.

D. Veteran

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

F. Race

The term race is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive

control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

II. Reporting:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to Teresa Kavanagh, Director of Human Resources in accordance with the Board’s complaint procedures included in the Board’s Administrative Regulations Regarding Non-Discrimination/Personnel, which accompany this policy and are available online at www.newmilfordps.org/boepolicies or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112, Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class, when District employees witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to

discrimination, harassment or retaliation in other forms. Reports should be made to Assistant Superintendent Holly Hollander regarding student-to-student discrimination and Director of Human Resources, Teresa Kavanagh regarding employee-to-student discrimination.

In addition to reporting to the Board, any employee also may file a complaint with the following:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008,
Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 1-1n, "Gender Identity or Expression"
defined
Connecticut General Statutes § 10-153, Discrimination on the basis of
sex, gender or expression or marital status prohibited
Connecticut General Statutes § 27-103
Connecticut General Statutes § 31-51i
Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General
Statutes § 46a-60
Connecticut General Statutes § 46a-80a

Connecticut General Statutes § 46a-81a, Sexual orientation
discrimination: Definitions
Connecticut General Statutes § 46a-81c, Sexual orientation
discrimination: Employment
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 22-82, “An Act Concerning Online Dating Operators,
the Creation of a Grant Program to Reduce Occurrences of
Online Abuse and the Provision of Domestic Violence Training
and Protections for Victims of Domestic Violence”

Approved: August 15, 2023
Revised:

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (PERSONNEL)**

The New Milford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the New Milford Public Schools (the “District”). Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Although not an exhaustive list, the following are examples of the types of conduct that may be considered Protected Class harassment and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; OR
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Any employee who believes an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to Teresa Kavanagh, Director of Human

Resources in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.112/4218.112 Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The District will periodically provide staff development for District administrators and periodically distribute the Non-Discrimination policy and the implementing administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.

Complaint Procedure

As soon as an individual feels that they, or another employee has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice-Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to

the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint,

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Board Policy 4118.113/4218.113, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy 4118.112/4218.113, Section 504/ADA (Personnel).

The complaint should state the:

- C. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of discrimination or harassment will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing or assist the individual with completing the written complaint form.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment under this complaint procedure, the Superintendent or designee shall promptly investigate the complaint. During the course of the investigation, the

investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the respondent, and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, to the extent consistent with due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if

any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

If the District makes a finding of discrimination, harassment or retaliation, the District will take appropriate remedial action designed to 1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:

- (a) Interventions for the individual who engaged in the discrimination/harassment, such as supervisor notification, discipline, or training.
- (b) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- (c) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

In addition to reporting to the Board, any employee also may file a complaint with the following:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617-289-0111)
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776
Telephone Number: 860-210-2200
kavanaght@newmilfordps.org

Anyone who has questions or concerns about the Board’s policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or sexual orientation may contact the Board’s Title IX Coordinator:

Teresa Kavanagh
Director of Human Resources
25 Sunny Valley Road, Suite A
New Milford, CT 06776

Telephone Number: 860-210-2200

kavanaght@newmilfordps.org

Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:

Teresa Kavanagh

Director of Human Resources

25 Sunny Valley Road, Suite A

New Milford, CT 06776

Telephone Number: 860-210-2200

kavanaght@newmilfordps.org

NEW MILFORD PUBLIC SCHOOLS
DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin,
alienage, ancestry, genetic information, veteran status, or status as a victim of
domestic violence)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the alleged discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

Name(s) of any witness(es) to the discrimination/harassment _____

Detailed statement of the circumstances constituting the alleged discrimination or
harassment _____

Proposed remedy _____