

## **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 4118.112/4218.112 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, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability, genetic information or any other basis prohibited by local, state and federal law 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.

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.

#### **Responsibilities of Personnel**

All Employees. 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.

**4118.112(b)**  
**4218.112(b)**

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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 up to and including termination of employment.

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.

### **Notice of Board Policy and Administrative Regulation**

A copy of the Board’s sexual and other unlawful harassment policy and this accompanying administrative regulation, shall be emailed to all employees who have been assigned a New Milford Public Schools’ email account and all employees who have not been assigned a New Milford Public Schools’ email account but who have provided the District with a personal email account. Such email correspondence shall be sent by the District within three months of the employee’s start date and shall bear the subject line “Sexual Harassment Policy.”

Copies of the Board’s sexual and other unlawful harassment policies and this accompanying administrative regulation shall also be accessible via the District’s website.

### **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, gender identity or expression, 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.

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The district's Title IX Coordinator is:

Catherine Gabianelli  
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 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 hesitant 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 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.

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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.

#### **Investigation of the Complaint**

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

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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: Corrective action means actions taken by an employer in response to an employee's claim of sexual harassment. Corrective action may include but is not limited to, employee relocation, assigning an employee to a different work schedule or other substantive changes to an employee's terms or conditions of employment.

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.

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The District shall not take immediate corrective action that modifies the conditions of a complaining employee's employment unless such employee agrees, in writing, to any modification of the terms of employment, or the District determines that such corrective action is reasonable and not of detriment to the employee who has brought a complaint of sexual harassment.

#### **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, gender identity or expression, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737). More information concerning illegal harassment and remedies available to address illegal harassment is available at:

[https://www.ct.gov/chro/lib/chro/Sexual\\_Harassment\\_Flyer.pdf](https://www.ct.gov/chro/lib/chro/Sexual_Harassment_Flyer.pdf)

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 applies a statute of limitation of one hundred and eighty (180) days to complaints of harassment. The CHRO applies statute of limitation periods of either one hundred and eighty (180) days or three hundred (300) days depending on when the alleged harassment occurred.

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New Milford, Connecticut