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5145.5(a)

SEXUAL HARASSMENT

Harassment of a student by a staff member or another student on the basis of sex creates a harmful academic environment. It is the policy of the Litchfield Board of Education to maintain a learning environment free from sexual harassment, insults or intimidation.

Any sexual harassment of employees by other employees, students to employees, employees to student or students to students is strictly forbidden and will not be tolerated regardless of the working or personal relationship between the parties. It is the policy of the Board of Education to maintain a learning and working environment for students and employees that is free from sexual harassment.

It shall be a violation of this policy for any staff member or any individual subject to the control of the Board of Education to harass a student through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students through conduct or communication of a sexual nature as defined below.

DEFINITION

Sexual Harassment

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 as well as Connecticut General Statutes, §46a-60 (a) (8). Sexual harassment is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's education or
- Submission to or rejection of such conduct by any individual is used as the basis for academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive academic environment.

Types of Sexual Harassment

1. **Verbal:** Includes sexual innuendos, suggestive comments, and jokes of a sexual nature, sexual propositions, and threats.

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2. **Non-verbal:** Includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
3. **Physical:** Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Sexual harassment may be overt or subtle. Some behavior that is appropriate in a social setting may not be appropriate in the academic environment. But whatever form it takes verbal, non-verbal or physical - sexual harassment can be insulting and demeaning to the recipient and cannot be tolerated in the academic environment.

Board's Sexual Harassment Complaint Procedure

Any individual who believes that he or she has been subjected to sexual harassment should report the alleged misconduct to the Assistant Principal, Principal, Director of Special Services and/or the Superintendent of Schools as soon as possible. All complaints will be treated confidentially. No adverse action will be taken against an individual making a good faith report under this policy.

Thereafter, a prompt investigation will be conducted by an impartial investigator to be assigned by the Assistant Principal, Principal and/or the Superintendent of Schools and/or the Director of Special Services in accordance with a clearly published procedure for investigation, action and record maintenance. Thereafter, such individual will then present relevant findings to the Board of Education for their consideration and action if necessary.

Legal References: Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e(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).
Conn. Gen. Stat. § 46a-60 Discriminatory employment practices prohibited.
Constitution of the State of Connecticut, Article I, Section 20.

Litchfield Board of Education

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