

ADMINISTRATIVE REGULATIONS  
PERSONNEL/STUDENT NONDISCRIMINATION  
See Policies 4118.11, 4218.11, 5145.4

**Personnel**

**Students**

**Rights, Responsibilities and Duties**

**I. SEX DISCRIMINATION AND SEXUAL HARASSMENT**

Neither sex discrimination nor sexual harassment will be tolerated in the Ellington School District. The Board of Education prohibits any form of sex discrimination or sexual harassment by students, personnel, individuals under contract, or volunteers subject to the control of the Board of Education. Employees who engage in sex discrimination or sexual harassment will be subject to discipline, up to and including termination of employment.

**A. Definitions**

*Sex Discrimination*

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 or her 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 or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

*Sexual Harassment*

Sexual harassment is a form of sex discrimination and is defined as unwelcome conduct of sexual nature, whether verbal or physical, including but not limited to, advances or requests for sexual favors, insulting or degrading sexual remarks or conduct, threats or suggestions that an employee's submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, is used as the basis of employment decisions affecting such individual or 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. Examples of sexual harassment include, but are not limited to:

- Pressure for sexual activity;
- Remarks with sexual or sexually demeaning implications;

- Unwelcome or inappropriate sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
- Suggestions or demands for sexual involvement accompanied by implied or explicit threats concerning an individual's employment status, benefits, duties or work assignments;
- Use of profanity;
- Dirty jokes, derogatory or pornographic posters, cartoons or drawings.

In the student context, sexual harassment is defined as conduct of sexual nature, whether verbal or physical, including but not limited to, advances or requests for sexual favors, insulting or degrading sexual remarks or conduct, threats or suggestions, where submission to or rejection of such conduct by an individual is used and/or threatened to be used as a basis for making any educational decision affecting a student; or where such conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment.

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

- Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
- Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
- Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

**B. Title IX Coordinator**

Questions, complaints, and other matters concerning sex discrimination or sexual harassment will normally be handled by the District's Title IX Coordinator. The Title IX Coordinator will be designated by the Superintendent of Schools and may be reached at the office of the Superintendent. The Title IX Coordinator is responsible for ensuring compliance with federal and state law and Board of Education policy concerning sex discrimination and sexual harassment. In the alternative, such questions, complaints or other matters may be referred directly to the Superintendent or his or her designee.

**C. Complaint Procedure**

Employees, students, parents, volunteers, or other individuals who believe they have been victims of sex discrimination or sexual harassment within the Ellington Public Schools are encouraged to promptly report such claims. Complaints will be investigated and corrective action will be taken as appropriate. 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.

Anyone who believes that he/she has been subjected to behavior that could constitute sexual harassment should immediately inform the alleged harasser that his/her behavior is unwelcome and unacceptable, and that such behavior must stop immediately.

Complaints shall be filed with the Title IX Coordinator on the form provided for this purpose. If the Title IX Coordinator is the alleged discriminator or harasser, the complaint should be forwarded directly to the Superintendent or his/her designee. Normally, complaints should be made within thirty (30) days of the act of discrimination or harassment. Complaint forms are available from the Title IX Coordinator, guidance office, and building principal. The complaint should state the name of the complainant and the date of the complaint, the date of the alleged discrimination or harassment, the individual(s) alleged to engaged in sex discrimination and/or sexual harassment, and a statement of the circumstances constituting the alleged discrimination or sexual harassment.

Any individual who makes an oral complaint of sex discrimination or sexual harassment will be provided a copy of this policy and a complaint form, and will be encouraged to submit a written complaint. All complaints are to be forwarded immediately to the Title IX Coordinator unless that individual is the alleged discriminator or harasser, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee.

**D. Investigation**

The Title IX Coordinator, or his/her designee, shall investigate the complaint. The investigation should normally include consultation with all individuals reasonably believed to have relevant information, including the complainant, the individual(s) alleged to engaged in sex discrimination and/or sexual harassment, any witnesses to the conduct, and any victims of similar conduct, if known.

The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

At the conclusion of the investigation, the investigator shall provide a written report to the Superintendent of Schools, or other appropriate personnel, summarizing the results of the investigation and recommended disposition of the matter. If there is a reasonable cause to believe that sex discrimination or sexual harassment has occurred, the Superintendent of Schools or his/her designee shall take reasonable steps to ensure that the discrimination and/or harassment ceases and will not recur, up to and including termination of the employment of the individuals responsible for discrimination and/or sexual harassment.

Following a finding of sexual harassment, individuals may be periodically interviewed by the appropriate supervisor or Title IX Coordinator as necessary to ensure that the sexual harassment has not recurred and that no retaliation has occurred. Such review will continue for a period of time deemed appropriate by the Title IX Coordinator and/or the Superintendent of Schools.

**E. Posting and Training**

A copy of this policy shall be provided to all employees upon hire. The Board shall post in a prominent and accessible location in each school building, the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment. The Board shall provide training and education to all new supervisory employees within six months of their assumption of a supervisory position. Such training such include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment. The Board will provide access for students to this procedure.

**F. Complaints to State and Federal Agencies**

At any stage in these complaint/grievance procedures, non-employee complainants have the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights. Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged discrimination or harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (TELEPHONE NUMBER 566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (TELEPHONE NUMBER 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 sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

**II. DISCRIMINATION ON THE BASIS OF DISABILITY**

Under Section 504 of the Rehabilitation Act of 1973 ("Section 504"), a person with a disability is anyone who (a) has, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

**A. Procedures for Complaints/Grievances Alleging Discrimination on the Basis of Disability**

It is the express policy of the Board of Education to provide for the prompt and equitable resolution of complaints and/or grievances alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints and/or grievances, any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability should contact the District's designated Section 504 Coordinator within thirty (30) days of the alleged occurrence to discuss the nature of the complaint. If the Section 504 Coordinator is the subject of the complaint and/or grievance, the complaint and/or grievance should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. Timely reporting of complaints and/or grievances facilitates the investigation and resolution of such complaints and/or grievances.

Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible. Complaints and/or grievances regarding a student's rights with respect to his/her identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below in Section II.

**B. Procedures for Complaints/Grievances Regarding a Student's Identification, Evaluation, and/or Educational Placement**

Complaints and/or grievances regarding a student's identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below:

1. Informal Level
  - a. In order to facilitate the prompt investigation of complaints, any complaint and/or grievance regarding a student's identification, evaluation or educational placement should be forwarded to the district's Section 504 Coordinator within thirty (30) days of the alleged occurrence to discuss the nature of the complaint. Timely reporting of complaints facilitates the resolution of potential educational disputes as it assists the district in gathering current, accurate information and enables the district to take corrective actions when necessary to ensure that a student is provided with an appropriate educational program.
  - b. The Coordinator shall maintain a written record containing the following:
    - 1) Full name and address of complainant;
    - 2) Specific areas of disagreement relating to the child's identification, evaluation, and/or educational placement; and
    - 3) Remedy requested.

- c. At the time the complaint is filed, the Coordinator should direct the complainant to the appropriate Principal or Director who will investigate the complaint and send a written report to the Coordinator. The Coordinator shall then meet informally with the complainant and other relevant individual(s), shall provide confidential counseling where advisable and shall finally seek an informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the Section 504 complaint at this level when possible.
- d. This process shall take no longer than ten (10) working days from the time the complaint was received.

2. Formal Level/Impartial Hearing

- a. If the complainant is not satisfied with the resolution offered in the initial informal procedures, he/she may initiate more formal procedures to further explore and resolve a Section 504 complaint/grievance regarding a student's identification, evaluation, or educational placement.
- b. The complainant shall present the written complaint to the Superintendent within fifteen (15) days after the conclusion of the informal resolution process. The Superintendent may resolve the complaint alone or with the appropriate principal/director.
- c. If the complaint is not resolved, the Superintendent shall hear and fully review the case within thirty (30) days of the receipt of the complaint/grievance regarding a student's identification, evaluation, or educational placement.
  - (1) The Coordinator shall inform all parties of the date, time and place of the grievance hearing and of their right to present witnesses or representatives, if desired. The Coordinator shall provide assistance to the complainant in understanding the grievance procedure process.
  - (2) A written record of the hearing shall be kept.
  - (3) A written decision shall be sent to the complainant within ten (10) working days after the conclusion of the hearing.

d. If the complainant is not satisfied with the Superintendent's decision, he/she may, within fifteen (15) days of the Superintendent's decision, request that the Superintendent submit the matter to an impartial hearing officer, or to a mediator.

(1) Mediation procedures:

- (a) Mediation shall only occur by mutual agreement of the parties.
- (b) The mediator must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Act (IDEA).
- (c) The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
- (d) The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
- (e) If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

(2) Impartial hearing procedures:

- (a) The impartial hearing officer must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Act (IDEA).
- (b) The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es) and to have legal counsel or other representation at the complainant's own expense, if desired.

- (c) The impartial hearing officer shall hear all aspects of the complainant's appeal and shall reach a decision within forty-five (45) days of receipt of the written appeal. The decision shall be presented in writing to the complainant.
  - (d) A Section 504 impartial hearing officer does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.
3. The time limits noted throughout Section B may be extended if more time is needed to permit thorough review and opportunity for resolution.

**C. The Section 504 Coordinator:**

Bruce Brettschneider  
Director of Special Services  
Ellington Public Schools  
47 Main Street, P.O. Box 179  
Ellington, CT 06029-0179

Telephone: (860) 896-2300

**D. Assistance Organizations and Agencies:**

Organizations and agencies that may be contacted to obtain assistance with questions related to Section 504 include, but are not limited to, the following:

Boston Regional Office  
Office for Civil Rights  
U.S. Department of Education  
J.W. McCormack Post Office and  
Courthouse  
Boston, MA 02109

Telephone: (617) 223-9662

U.S. Department of Education  
Office for Civil Rights  
330 C Street, S.W.  
Washington, DC 20202

Telephone: 1-800-421-3481

Connecticut State Department of Education  
Bureau of Special Education  
and Pupil Services  
P.O. Box 2219  
Hartford, CT 06145

Telephone: (860) 807-2030

**E. Complaints to State and Federal Agencies**

At any stage in these complaint/grievance procedures, non-employee complainants have the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights. Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged discrimination.

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (TELEPHONE NUMBER 566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, One Congress Street, Boston, MA 02114 (TELEPHONE NUMBER 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. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

**III. ALL OTHER DISCRIMINATION CLAIMS**

It is the express policy of the Board of Education to provide for the prompt and equitable resolution of complaints and/or grievances alleging any other form of discrimination on the basis of any legally protected classification. In order to facilitate the timely resolution of such complaints and/or grievances, any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of any legally protected classification should contact the Civil Rights Coordinator for the District, within thirty (30) days of the alleged occurrence to discuss the nature of the complaint. Timely reporting of complaints and/or grievances facilitates the investigation and resolution of such complaints and/or grievances.

Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

**A. The Civil Rights Coordinator: (including Title IX)**

Bruce Brettschneider  
Director of Special Services  
Ellington Public Schools  
47 Main Street, P.O. Box 179  
Ellington, CT 06029-0179

Telephone: (860) 896-2300

Legal Reference:

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 USCS § 1681, *et seq.*  
Age Discrimination in Employment Act, 29 U.S.C. 621, *et seq.*  
Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.*  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, *et seq.*  
Connecticut Fair Employment Practices Act, Connecticut General  
Statutes Section 46a-60  
Connecticut General Statutes Section 10-153. Discrimination on basis of  
marital status  
Connecticut General Statutes Sections 10-15c and 46a-81a. Discrimination on  
basis of sexual orientation

Refer to: Policies 4118-11, 4218.11, 5145.4 Nondiscrimination-Personnel/Students

March 10, 2004

