

**BOE Policy Committee Agenda
Wednesday, December 9, 2020
Virtual Meeting 8:30 A.M.**

In consideration of public health, open meetings and the Governor’s Executive Order No. 7B dated March 10, 2020 regarding PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID- 19 PANDEMIC AND RESPONSE - FURTHER SUSPENSION OR MODIFICATION OF STATUTES; this meeting will include an option for the public to phone in to listen to the audio of the meeting. Please note that public comment will be received by phone at the beginning and end of this meeting.

**Joining Info: Join by phone
 +1 302-455-7601 PIN: 659 534 512#**

CALL TO ORDER

IN ATTENDENCE

PUBLIC PARTICIPATION

APPROVE MINUTES November 25, 2020

UNFINISHED NEW BUSINESS

Discussion and possible action:

Item	Reports
Policy 4114- Transfer/ Reassignment S. Connell will make the approved edits and bring back to the committee for final review.	<ul style="list-style-type: none"> • S. Connell will invite S. D’Eramo to this virtual meeting
Policy 4115 – Evaluation/Supervision S. Connell will reach out to CABE regarding the procedure to renumber an existing policy. S. Connell will bring back her findings to the committee.	<ul style="list-style-type: none"> • S. Connell will invite S. D’Eramo to this virtual meeting
Policy 4115.3 – Evaluation Coaches L. Rodrigue will meet with M. Memoli to discuss this policy. L. Rodrigue will bring M. Memoli’s edits/input back to the committee.	<ul style="list-style-type: none"> • Committee to review • S. Connell will invite S. D’Eramo to this virtual meeting

NEW BUSINESS

Discussion and possible action:

Item	Reports
Policy 5145.5- Sexual Harassment/Discrimination The committee will review the BOE’s questions about this policy. S. Connell will also bring Policy 5145.42 – Racial Harassment for comparison.	<ul style="list-style-type: none"> • Committee to review BOE’s questions

Policy 1311.1- Political Activities of School Employees
R. Harriman-Stites is requesting that the committee review this existing policy.

- Committee to review

UPDATE FROM THE SUPERINTENDENT

PUBLIC PARTICIPATION

ADJOURNMENT

Personnel – Certified/Non-Certified

Assignment/Transfer/Reassignment

The assignment and transfer of all certified/support staff personnel shall be the responsibility of the Superintendent of Schools (Superintendent) or designee.

~~Requests for transfer within the school system may be made at any time and must be in writing. Transfers are subject to availability of position, vacancies, and qualifications of employee.~~

Transfers will be made in the best interests of the school system, subject to provisions of applicable employee organization agreements and Newtown Board of Education policies.

~~Not later than the November meeting of the Board of Education the Superintendent shall present the staff listing of regular assignments. Changes of regular assignments shall be reprinted periodically.~~

Policy adopted:
cps 5/04

EVALUATION OF CERTIFIED STAFF

The Superintendent shall evaluate, or cause to be evaluated, each certified staff member. The evaluation process shall conform to guidelines established by the State Board of Education as well as other guidelines established by mutual agreement between the Board of Education and the teachers'/administrators' representative organizations.

The Superintendent will annually report on the administrative evaluations and periodically provide status reports on the evaluation program to the Board of Education. Reports will also be provided to the State Board of Education on the development and implementation of the evaluation program as required under Section 10-151b.

Reference: CGS 10-151b, 10-151c

Adopted

Amended 10/10/95

ATHLETIC COACHES

It is the policy of the Newtown Board of Education (the "Board") that an athletic coach employed by the Board shall:

1. adhere to all Board policies, rules and regulations
2. shall conduct himself or herself in a professional manner; and
3. serve as a role model for students;
4. demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term "athletic coach" means any person holding a coaching permit who is hired by a local or regional board of education to act as a coach for a sport season. This term "coach" under this policy shall include only coaches who have direct responsibility for one or more teams (including assistant coaches who serve as coach to a team (e.g., JV), and the term shall not include other assistant coaches and volunteer coaches.

Evaluations

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach's immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation. Other assistant and volunteer coaches may be evaluated as directed by the Superintendent of Schools or his/her designee.

Employment of an Athletic Coach

Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (e.g., basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for three or more consecutive school years, the following procedures shall apply. The Superintendent may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

Hearing Procedures

An athletic coach who has served in the same coaching position for three or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Public Act 04-243

**Newtown Public Schools
Evaluation of Athletic Coaching Performance**

Name _____ **Sport**

Administrator _____ **Date**

Directions:

1. Each statement presented in this form has been worded to represent the expected performance of District's Athletic Coaches. Consistently performing as the statement indicates means that District Expectations are being met.

In completing the self-appraisal, staff members should be guided by the following:

- A. If you feel that you are consistently performing as the statement indicates, you should check "Meets District Expectations."
 - B. If you feel that the statement represents a particular strength for you, check "Strong Characteristics" where appropriate.
 - C. If you feel that the statement represents an area in which you plan to work toward improvement and/or more consistent performance, check "Areas for Concentration."
 - D. If you check a statement either "Strong Characteristics" or "Meets District Expectations" but also plan to concentrate on that area for additional improvement during the next school year, place a second check in the "Areas for Concentration" column.
2. In completing the administrative appraisal, the administrator shall appraise each individual in terms of the total staff for whom he/she has supervisory responsibility.
 3. Use of the comments section by both parties is voluntary but encouraged.

An optional sample policy to consider.

Personnel -- Certified

Evaluation

Coaches

There shall be an annual evaluation of all coaches, to be conducted by the athletic director or the coach's immediate supervisor. Each coach shall receive a written copy of the evaluation.

The purposes of evaluation are:

1. To provide a systematic process whereby coaches may increase the effectiveness of their services to the athletic program utilizing the available professional resources.
2. To provide an opportunity for coaches to analyze their strengths and weaknesses, and to discuss objectively the contributions they have made to the athletic program.
3. To provide an opportunity for the administrative staff to analyze the strengths and weaknesses of individual coaches, and to utilize this knowledge to develop supervisory service to assist individuals in developing their competence.
4. To provide an effective means by which administrators may make recommendations concerning the continued employment of personnel, the granting of increments, and/or other recommendations to the Board of Education.

It is the responsibility of all administrators, coaches and other professional staff members to recognize that the district schools intend to seek and maintain the best qualified staff to provide quality coaching for student athletes. In keeping with this goal, all personnel are expected to participate fully in the appraisal process.

An integral part of this process is self-appraisal. The self and administrative appraisals include: knowledge of sports area, coaching skills and techniques, attitudes, behavior patterns, values and ethics.

Any coach that has held the same coaching position for three or more years, for which the Board terminates or non-renews the contract shall be informed of the Board's decision within ninety (90) days of the completion of the sport season covered by the contract. The coach may request a written statement from the Board specifying the reason(s) for the Board's action. The statement shall be provided within thirty (30) days of the request. The decision to terminate or non-renew the coach's contract may be appealed by the coach in a manner prescribed by the Board.

The Board may terminate the contract of any coach at any time for reasons of moral misconduct, insubordination or a violation of the rules of the Board or because a sport has been cancelled by the Board.

Personnel – Certified

Evaluation

Coaches (continued)

(cf. 2137 – Athletic Director)

Legal Reference: Connecticut General Statutes

- 10-151b Evaluation by superintendent of certain educational personnel
- 10-220a In-service training
- 10-222e Policy on evaluation and termination of athletic coaches (as amended by P.A. 13-41)
- 10-149 Qualifications for coaches of intramural and interscholastic athletics coaches (as amended by P.A. 13-41)
- P.A. 13-41 An Act Concerning Hiring Standards for Athletic Directors
- PA 04-243 An Act Concerning Notification in Cases of Termination of Coaches

Policy adopted:

cps 10/01
rev 6/04
rev 7/13

Students

Sexual Discrimination and Sexual Harassment

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools, and/or his or her designee, shall develop Administrative Regulations implementing this Policy.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. 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.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain

Students

Sexual Discrimination and Sexual Harassment (continued)

confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such substantiated reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.

Legal References: United States Constitution, Article XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq. Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998) Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Office of Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).

Constitution of the State of Connecticut, Article I, Section 20.

Adopted

Students

Sexual Discrimination and Sexual Harassment

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

~~Sex discrimination~~ occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

~~Sexual harassment~~: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

- ~~1. 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.~~
- ~~2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.~~
- ~~3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.~~
- ~~4. Touching of a sexual nature or telling sexual or dirty jokes.~~
- ~~5. Transmitting or displaying emails or websites of a sexual nature.~~
- ~~6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

~~Sexual Violence~~: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the Assistant Superintendent of Schools, 3 Primrose Street, Newtown, CT, 06470 or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

Students

Sexual Discrimination and Sexual Harassment (continued)

3. The complaint should state the:
 - a. 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. Remedy requested.
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.
5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to Title IX Coordinator or his/her designee.
7. The Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The District Title IX Coordinator or designee shall:
 - a. offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;

Students

Sexual Discrimination and Sexual Harassment (continued)

- b. provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations;
- c. consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
- d. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
- e. consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
- f. communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within sixty (60) school days from the date the complaint was received by the Assistant Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant 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;

- g. when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Assistant Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment;
10. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator's or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Superintendent may also designate an outside investigator to conduct the review in lieu of, or in addition to, his or her review of the findings. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Building Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the District Title IX Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Students

Sexual Discrimination and Sexual Harassment (continued)

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (Telephone: (617) 289-0111).

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Newtown Board of Education is the Assistant Superintendent of Schools whose office is located at 3 Primrose Street, Newtown, CT and whose telephone number is (203) 426-7616.

Adopted:

NEWTOWN PUBLIC SCHOOLS
Newtown, CT

COMPLAINT FORM REGARDING SEXUAL DISCRIMINATION AND SEXUAL HARASSMENT
(STUDENTS)

Name of the complainant: _____

Date of the complaint: _____

Date of the alleged discrimination/harassment: _____

Name or names of the 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: _____

Remedy requested: _____

Signature – Complainant

Date

Signature – Recipient

Date

Students

Nondiscrimination

Racial Harassment of Students

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial* discrimination, including harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of unwelcomed treatment on the basis of race and is recognized in two different forms:

1. when conduct towards a student that is based on race has a negative impact on the well-being of the student, whether that conduct is performed by other students within an educational setting or by district employees or their agents when acting within the scope of their official duties.
2. when the educational environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses. Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken promptly. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board or any district staff member, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The Diversity Compliance Coordinator, in collaboration with the Superintendent and District Administrative Team, is directed to support the development and implementation of specific procedures on reporting, investigating, and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment. Training programs shall be established to raise awareness of the issues surrounding racial harassment and to implement preventative measures to help reduce incidents of racial harassment. Through yearly staff and student development efforts, members of the school community will review district protocols in identifying and reporting instances of bullying and harassment, as well as the disciplinary measures when such behaviors occur.

Students

Nondiscrimination

Racial Harassment of Students (continued)

***For the sake of simplicity and clarity, the term “race” shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI – that is, race, color, and national origin.**

Reporting Incidents of Bullying, Harassment, and Racism

Students and staff are expected to report any incidents of bullying, harassment, or racism that occur on school grounds, during after school activities, or during off campus school events. School personnel are required to follow appropriate protocols for handling issues brought forward, including reporting incidents to school administrators who are responsible for investigating incidents and employing appropriate disciplinary measures consistent with school policy. Students in grades K-12 are encouraged to reach out to trusted adults when they either witness or experience issues related to bullying, harassment, and racism. An Anonymous Alert app is available to students in grades 9-12 for students to report issues of concern confidentially.

A summary of all such incidents and their dates of resolutions shall be included in the annual report required as outlined in Policy 0523.

False Reporting

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and student disciplinary policies.

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Policy adopted: November 4, 2020

NEWTOWN PUBLIC SCHOOLS

Students

Nondiscrimination

Racial Harassment of Students

A student can be subject to racial* harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. The following are examples of incidents which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating black students more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

Procedures

The Board of Education shall designate a Compliance Officer to carry out the district's responsibilities for redressing grievances pursuant to policy 5145.6, Student Grievance Procedures. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of both designees and of the grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of racial harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of racial harassment:

Students

Nondiscrimination

Racial Harassment of Students

Procedures (continued)

Students who believe they have been subjected to racial harassment are to report the incident to the Diversity Compliance Coordinator or the second designee as described above. The Diversity Compliance Coordinator or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the alternate designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Diversity Compliance Coordinator will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Diversity Compliance Coordinator is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Diversity Compliance Coordinator's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Diversity Compliance Coordinator is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Diversity Compliance Coordinator may impose further disciplinary action. Thereafter, the Building Principal or Diversity Compliance Coordinator is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

Students

Nondiscrimination

Racial Harassment of Students

Informal Complaints (continued)

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The Building Principal or Diversity Compliance Coordinator is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Diversity Compliance Coordinator informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Diversity Compliance Coordinator is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Diversity Compliance Coordinator originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Diversity Compliance Coordinator reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Students

Nondiscrimination

Racial Harassment of Students (continued)

Remedial Action

If the investigation reveals that racial harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no racial harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of racial harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of harassment, victims will be periodically interviewed by the appropriate Building Principal or Diversity Compliance Coordinator to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Diversity Compliance Coordinator concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any racial harassment.

***For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI -- that is, race, color, and national origin.**

Students

Nondiscrimination

Racial Harassment of Students (continued)

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

PUBLIC SCHOOLS
_____, Connecticut

Harassment Complaint Form

Name: _____

Date: _____ School: _____

Who was responsible for the harassment? _____

Describe the harassment: _____

(attach additional pages if necessary)

Date(s), time(s), and place (places) the harassment occurred: _____

Were there other individuals involved in the harassment? _____

If so, name the individual(s) and what their role was _____

Did anyone witness the harassment? _____ If so, name the witness(es) _____

What was your reaction to the harassment? _____

Describe any prior incidents _____

Signature of Complainant or Parents/Legal Guardian

copy: Student/Parents

_____ PUBLIC SCHOOLS
_____, Connecticut

REPORT OF RACIAL HARASSMENT

This form is to be used by any employee or student who has either observed or been subject to racial harassment. To insure full investigation, it should be completed as accurately as possible. It is not, however, critical to be 100 percent precise. An investigation may require the complainant to be interviewed.

Date: _____

Please Print

Name of complainant making a charge of racial harassment: _____

Address _____ of _____ complainant:

Telephone Number: _____

Position or grade: _____

Names of individuals involved in the harassment and indicate whether they are students or employees: _____

Complainant's signature

Please see the _____ Board of Education's policy on Racial Harassment for more information on the topic. Present this Report to your most immediate supervisor not involved in the harassment.

Report Number

_____ PUBLIC SCHOOLS
_____, Connecticut

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT

Note: If additional space is needed, please attach separate sheets as referenced by report number.

Name of complainant: _____

School and/or Position: _____

Nature of complaint _____ Student _____ Employee

Specific complaint: _____

Date complaint filed: _____

Name(s) of Respondent _____ Date notified: _____

Respondent's answer _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

Date complainant notified: _____

Complainant's response _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

Complainant's Witnesses	
Name	Position

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Respondent's Witnesses	
Name	Position

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Other records/documents reviewed:

	Name of Document	Date Reviewed
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Summary of Review of above records/documents:

Investigator's Summary:

Suggested Corrective Action:

Investigator's Signature

Date

Community Relations

Political Activities of School Employees

The Newtown Board of Education recognizes the right of its employees, as citizens, to engage in political activity. However, the Board recognizes that school property and school time are paid for by all the people of the District, and should not be used for partisan political purposes, except as provided for in policies pertaining to the use of school facilities by civic and political organizations.

Prohibited activities include the posting of political circulars or petitions, collection or solicitation of campaign funds, solicitations for campaign workers, the use of students in writing or addressing campaign materials, and the distribution of campaign materials to students on District property or during school time in any manner which would indicate that a school employee is using a position in the school to further personal partisan views on candidates for public office or questions of public property. Teachers and other District employees will not attempt to influence students concerning political party affiliations and will not praise or denigrate any particular political party.

Nothing in this policy will be interpreted as prohibiting teachers from conducting appropriate activities that encourage students to become involved in the political processes of the party of the students' choice or as independents; nor does it prohibit the use of political figures as resource persons in the classrooms.

- (cf. 1140 – Distribution of Materials by Students)
- (cf. 1311.2 – Political Activities in the Schools/On School Board Property)
- (cf. 1330/3515 – Community Use of School Facilities)
- (cf. 3543.13 – Mail and Delivery)
- (cf. 4118.21 – Academic Freedom)
- (cf. 6144 – Controversial Issues)
- (cf. 6153.2 – Student Participation in Election Process)

- Legal Reference:
- Connecticut General Statutes
 - 7-421 Political activities of classified municipal employees.
 - 7-421b Limitation on restriction of political rights of municipal employees.
 - 9-369b Explanatory text relating to local questions.
 - 10-156e Employees of boards of education permitted to serve as elected officials; exception.
 - 10-239 Use of school facilities for other purposes
 - 31-51q Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights.
 - Keyishian v. Board of Regents* 395 U.S. 589, 603 (1967)
 - Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)
 - Equal Access Act, 20 U.S.C. ss 4071-4074

Policy adopted: May 5, 2015

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

EFFECTIVE: July 1, 2015