

Jumoke Academy

4118.111(a)

Personnel — Certified

Grievance Procedure -- Title IX

Informal Appearance of Staff Member Before the Board

The following procedure is adopted for granting an “informal appearance” before the Board of Trustees to a staff member:

1. Purpose of Informal Appearance

The purpose of granting an informal appearance before the Board of Trustees to the staff member is to provide that member with an opportunity to dissuade the Board from its determination not to offer reemployment.

2. Procedure

- A. A timely written request must be made by the staff member for a written statement of reasons within thirty (30) calendar days from the receipt of the Board's written notification of failure to renew employment.
- B. The Board of Trustees must present a written statement of reasons to the staff member within fifteen (15) calendar days of its receipt of the formal request for said reasons.
- C. The staff member, having requested and received a written statement of reasons, must make a timely request for an appearance before the Board of Trustees; “timely” to be interpreted to mean that the request must be made within ten (10) calendar days and the appearance scheduled within thirty (30) calendar days from the receipt of the requested statement of reasons.
- D. The staff member's informal appearance before the Board of Trustees is not an adversary proceeding.
- E. The proceeding is not intended to be protracted. The Board of Trustees will find it necessary to exercise discretion regarding the reasonable length of time of the proceeding, depending upon specific circumstances in each instance.
- F. The individual staff member must receive adequate written notice of the date and time when the informal appearance is scheduled.
- G. The staff member may be represented by counsel or an individual of the staff member's own choice before the Board of Trustees, and may present witnesses on his/her behalf.

Jumoke Academy

4118.111(b)

Personnel -- Certified

Grievance Procedure -- Title IX

Informal Appearance of Staff Member before the Board (continued)

- H. Such witnesses need not present testimony under oath, and should not be cross-examined by the Board of Trustees.
- I. Witnesses should be called into the meeting to address the Board of Trustees one at a time and should be excused from the meeting after making their statements.
- J. If the Board of Trustees has refused employment for proscribed reasons (i.e., race, color, religion, etc.) or in violation of Constitutional rights, such as free speech, or if the Board of Trustees was arbitrary, capricious or abused its discretion, and the staff member is able to prove allegations, then the staff member may file a Petition of Appeal before the appropriate judicial body which will result in a full adversary proceeding.

Regulation approved: 02/2007

Jumoke Academy

4118.112
4218.112

Personnel — Certified and Non-Certified

Sexual Harassment

The Board of Trustees is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Chief Executive Officer of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Legal References: Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on
Current Issues of Sexual Harassment, Effective 10/15/88
Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986)
29 CFR Para. 1604.11 (EEOC)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June
26,1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme
Court, June 26,1998)
Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.

Policy adopted: 02/2007

Jumoke Academy

4118.112(a)
4218.112

Personnel — Certified and Non-Certified

Sexual Harassment

Definitions

“**Employee**” shall mean all teaching, administrative and support personnel.

“**Immediate supervisor**” shall mean the person to whom the employee is directly responsible (e.g., department head, principal).

Procedures

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

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

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

Informal Complaints

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor, may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

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 sexual harassment is reported. The supervisor 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.

Jumoke Academy

4118.112(b)
4218.112

Personnel — Certified and Non-Certified

Sexual Harassment

Informal Complaints (continued)

If during the supervisor's 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 supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor 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 a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual 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 supervisor originally consulted, who will then forward it to the next appropriate level of management, e.g., the Director of Personnel, the district's business official, or the Chief Executive Officer, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

Complaint Investigations

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. Complainants are to be notified of the outcome of the investigation.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the victims.

Jumoke Academy

4118.112(c)
4218.112

Personnel — Certified and Non-Certified

Sexual Harassment

Remedial Action (continued)

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 collective bargaining agreements.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management, e.g., the School Business Official, the Chief Executive Officer, or the Board of Trustees. 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 sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies should also be filed with the employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complainant

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 sexual misconduct.

Training

Each year, or more frequently if the Board deems it appropriate, employees will receive training regarding sexual harassment and related matters. Such training may include a review of this policy and regulation, discussion, films or other activities.

Jumoke Academy

4118.112(d)
4218.112

Personnel — Certified and Non-Certified

Sexual Harassment (continued)

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C.2000-e2(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)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Connecticut General Statutes

46a-54 (15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers Recordkeeping.

46a-60 Discriminatory employment practices prohibited.

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

Regulation approved: 02/2007

Jumoke Academy

4118.112
4218.112
Form #1

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant: _____

Date of complaint: _____

Name of alleged sexual harasser: _____

Date and place of incident: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Has the incident been reported before? _____

If yes, when? _____

To whom? _____

What was the resolution? _____

Reasons for dissatisfaction: _____

Jumoke Academy

4118.112
4218.112
Form #2

SEXUAL HARASSMENT COMPLAINT - APPEAL FORM

Name and position of complainant: _____

Date of appeal: _____

Date of original complaint: _____

Have there been any prior appeals? _____

If yes, when? _____

To whom? _____

Description of decision being appealed: _____

Why is the decision being appealed? _____

Jumoke Academy

4118.113(a)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment

The Board strives to provide a safe, positive working and learning climate for its students and employees. Therefore, harassment, in any form, will not be tolerated in this district. This policy applies to all students, staff members, board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on district grounds or property or on property within the jurisdiction of the district; on buses operated by or for the district; while attending or engaged in district activities; and while away from district grounds if the misconduct directly affects the good order, efficient management, and welfare of the district.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the district's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, harassment consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. Otherwise adversely affects an individual's learning or work opportunities;
4. Is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in district programs or activities; and
5. Exposure to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and

Jumoke Academy

4118.113(b)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment (continued)

Harassment as set forth above may include, but is not limited to:

- Verbal, physical, or written intimidation or abuse;
- Repeated remarks of a demeaning or condescending nature;
- Repeated demeaning jokes, stories, or activities directed at the individual.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. Acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued education employment; or participation in district programs or activities; and
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employees' ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment. Each student shall be responsible to respect the rights of all students and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

Jumoke Academy

4118.113(c)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment (continued)

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the

- { } Chief Executive Officer
- { } Assistant Chief Executive Officer
- {) Business Manager
- { } Personnel Director
- { } Director of Special Education/Services

as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The District shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment will not be tolerated with the school system.

Legal Reference:

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512(1/19/01)

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)

Jumoke Academy

4118.113(d)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment (continued)

Legal References: (continued)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monro County Board of Trustees, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation")

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted: 02/2007

Jumoke Academy

4118.113(a)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment

Harassment Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior is **repeated** following a request to the harasser that it cease, the student or employee shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any student or employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, counselor, teacher, or the Assistant Chief Executive Officer (*or Chief Executive Officer's designee in the absence of an Assistant Chief Executive Officer*) will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the student or employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, counselor, teacher, or the Assistant Chief Executive Officer (*or Chief Executive Officer's designee in the absence of an Assistant Chief Executive Officer*). The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

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. (See Policy #5141.4, Child Abuse by School Employees)

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Chief Executive Officer (*or the Chief Executive Officer's designee in the absence of an Assistant Chief Executive Officer*) unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Chief Executive Officer.

Jumoke Academy

4118.113(b)
4218.113
5145.52

Personnel -- Certified/Non-Certified/Students

Harassment

Harassment Complaint Procedure (continued)

Upon receiving a formal complaint, the building level administrator in concert with the Assistant Chief Executive Officer (*or the Chief Executive Officer's designee in the absence of an Assistant Chief Executive Officer*), will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Chief Executive Officer, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Chief Executive Officer may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Chief Executive Officer shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Trustees policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Regulation approved: 02/2007