

## ***Policy and Student Grievance Procedures For Alleged Bullying, Discrimination and Harassment***

### **I. INTRODUCTION**

1. **GENERAL STATEMENT OF POLICY:** It is the policy of the Connecticut State Board of Education and the Connecticut Technical High School System that no person shall be excluded from participation in, denied the benefits of, or be otherwise discriminated against or subjected to harassment in any education program or activity, or in employment, because of race, color, national origin, ancestry, religious creed, sex (including sexual harassment and pregnancy), age, genetic information, marital status, sexual orientation, and/or disability (**including, but not limited to, mental retardation, past or present history of mental disorder, physical disability or learning disability**), or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws. Staff members are referred to the Faculty Handbook for further information regarding the Technical High School's antidiscrimination policies and grievance procedures with regard to employment.

2. **PROHIBITIONS:** The Connecticut Technical High School System ("CTHSS") prohibits discrimination and harassment based on race, color, national origin, ancestry, religious creed, sex, age, marital status, sexual orientation, and/or disability. It also strictly prohibits retaliation against any person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination or harassment. CTHSS treats retaliation as a form of discrimination under this Grievance Procedure. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination or harassment against an individual or group for exercising rights under this Grievance Procedure will be subject to prompt and appropriate disciplinary, corrective and remedial action.

3. **POLICY APPLICATION:** This Grievance Procedure<sup>1</sup> applies to all sites and activities the CTHSS supervises, controls, or where it has jurisdiction under the law. It applies to all students, school employees,<sup>2</sup> independent contractors, school volunteers, parents and legal guardians of students, and visitors to CTHSS schools where the conduct covered by this Grievance Procedure is directed at or affects a student and where it occurs on school premises or in school-related programs or activities, including in school-related transportation and in production and work-based learning sites.

4. **DISCIPLINARY AND CORRECTIVE ACTION:** Discrimination, harassment or threats of or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and corrective action, up to and including exclusion.

5. Nothing in this Grievance Procedure is designed or intended to limit CTHSS or a CTHSS school's authority to discipline or take corrective or remedial action in response to violent, harmful, or disruptive behavior, regardless of whether this Grievance Procedure covers the conduct.

6. Nothing in this Policy limits the CTHSS or a school authority from taking immediate interim disciplinary action as set forth in their disciplinary codes and policies.

7. **POLICY ON BULLYING:** So long as they are not found to conflict with any federal civil rights law applicable, the CTHSS' obligations under its "Policy on Bullying," as mandated by Connecticut state statute, are applicable to and incorporated by reference into this Grievance Procedure.

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<sup>1</sup> Nothing in this Grievance Procedure should in any way create or should be construed to create an express or implied contract.

<sup>2</sup> This Grievance Procedure is not intended to nor should it be construed to modify or revoke any rights of school employees, accused of harassment and/or discrimination, as provided by Connecticut state and/or federal law and/or their applicable collective bargaining agreement. Any discrimination or harassment complaint against a school employee by a student (or on the student's behalf by his/her parent or guardian), shall be investigated by the School Principal and/or by the State Department of Education (SDE) Human Resources in consultation with the Coordinator and the Principal, in accordance with these Student Grievance Procedures.

## II. DEFINITIONS

For purposes of these Grievance Procedures:

1. **HARASSMENT:** Harassment is unwelcome comments or conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin, ethnicity, religious creed, sex, age, marital status, sexual orientation, age, or disability (i.e., protected status), that is sufficiently severe, pervasive or persistent so as to unreasonably interfere with or limit a student's ability to participate in or benefit from the district's programs or activities or by creating a hostile, humiliating, intimidating, or offensive educational environment.

2. **HARASSMENT** also means any unwelcome comment or conduct (oral, written, graphic, electronic or physical) relating to an individual's actual or perceived race, color, national origin, ethnicity, religious creed, sex, age, marital status, sexual orientation, age, or disability that does not involve severe, persistent or pervasive behavior, but if it persists, will likely create a hostile, humiliating, intimidating or offensive educational environment.

3. Below are examples of violations of this Policy and Grievance Procedure for harassment, in circumstances where the unwelcome oral, written, graphic, electronic or physical conduct has had the purpose or effect of unreasonably interfering with a student's education or academic performance or of creating an intimidating, hostile, or offensive environment for that student's education, or participation in a CTHSS program or activity, including in production and work-based learning sites:

A. **RACIAL HARASSMENT:** Racial harassment is unwelcome oral, written, graphic, electronic or physical conduct based on a person's race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

B. **NATIONAL ORIGIN HARASSMENT:** Unwelcome verbal, written or physical conduct directed at a person based on his/her national origin, ancestry, or ethnic background, such as negative comments, graffiti or symbols about surnames, customs, language, accents, immigration status, or manner of speaking.

C. **DISABILITY HARASSMENT:** Unwelcome verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs like "retard," or invading personal space to intimidate.

D. **RELIGIOUS HARASSMENT:** Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory negative comments, graffiti or symbols about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

E. **SEXUAL ORIENTATION HARASSMENT:** Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, graffiti or symbols, imitating mannerisms, taunting, or invading personal space to intimidate.

F. **SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education, or participation in a CTHSS program or activity;

(2) Submission to or rejection of such conduct by a student is used as the basis for decisions affecting such student's education, or participation in a CTHSS program or activity; or

(3) Such conduct has the purpose or effect of unreasonably interfering with a student's education or academic performance or of creating an intimidating, hostile, or offensive environment for that student's education or participation in a CTHSS program or activity.

4. "DISCRIMINATION" means treating a student or group of students less favorably, or interfering with

or preventing a student from enjoying the advantages, privileges or courses of study of a school, including in a production or work-based learning site, because of that student's race, color, national origin, ancestry, religious creed, sex, age, marital status, sexual orientation, disability (except as to provide a reasonable accommodation), or any other basis **prohibited by Connecticut state and/or federal nondiscrimination laws.**

5. "COMPLAINANT" means a student who is the alleged victim of ~~the~~ conduct covered by this Grievance Procedure or his/her parent(s) or guardian(s).

6. "COMPLAINT" means an oral or written report by a student or his/her parent(s) or guardian(s), to school or to a CTHSS employee alleging that the student has been subjected to harassment or discrimination.

7. "COORDINATOR" means a school-based Compliance Coordinator (Title VI, Title IX, 504 or Equity).

### III. RESPONSIBILITIES OF SCHOOL COMMUNITY MEMBERS

A. Each school community member is responsible for:

1. Ensuring that (s)he does not harass or discriminate against another person because of that person's race, color, national origin, ancestry, religious creed, sex, age, marital status, sexual orientation, and/or disability, **or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws;**

2. Ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment or discrimination.

### IV. REPORTING

1. Any teacher or other school staff, CTHSS employee, independent contractor, or school volunteer who witnesses, receives a student report of, or otherwise becomes aware or has a reasonable belief that discrimination, harassment, or retaliation in violation of these Grievance Procedures has occurred or may have occurred must promptly notify the Principal in writing. The Principal shall promptly provide a copy of the written Report to the school-based Compliance Coordinator ("Coordinator").

2. Any student or other person (who is not a school employee, independent contractor or school volunteer; for example, a parent or guardian of a student) who becomes aware or has a reasonable belief that discrimination, harassment, or retaliation in violation of these Grievance Procedures has occurred or may have occurred on school property or in a school-related activity is strongly encouraged to promptly report the incident(s) to the school-based Compliance Coordinator or the Principal, but should report within 90 days of the occurrence. The reporting time may be extended for good cause. In situations where a student, or a student's parent or guardian, does not feel comfortable reporting the incident to a Coordinator or Principal, (s)he may report it to a trusted school employee, who shall promptly transmit a written report to the Principal. The Principal shall promptly provide a copy of the written report to the Coordinator. **The name and contact information for your school's Compliance Coordinator(s) is on the School Website.**

3. Upon receipt of a written or oral report or complaint, the Coordinator shall promptly forward a written report to the Principal, and notify the Principal of any initial action taken.

4. Upon a Principal's or other school administrator's receipt of a written or oral report or complaint, s(he) will promptly refer the matter to a Coordinator.

5. The Coordinator is responsible for investigating and handling the complaint or report as described in Section V. In the event of a conflict or other circumstance that prevents the Coordinator from investigating the complaint, the Principal, or his/her school administrator designee, will take responsibility for investigating and handling the complaint. If the complaint is against the school principal, however, the Superintendent or his/her designee shall investigate and handle the complaint.

6. Each school within the CTHSS shall maintain a list of the number of verified acts of harassment and discrimination in the respective school, and in a separate confidential record(s), other information as the Superintendent, in his/ her discretion, shall order, relating to a student's actual or perceived race, color, national origin, ancestry, religious creed, sex, marital status, sexual orientation, and/or disability.

## **V. RESOLUTION PROCESS: DETERMINING WHETHER TO INSTITUTE FORMAL OR INFORMAL PROCEDURES**

1. After the Coordinator receives a complaint or report, s(he) shall determine whether to resolve the complaint or report through an Informal or Formal Procedure.

2. **COMPLAINTS AGAINST SCHOOL EMPLOYEES:** For any discrimination or harassment complaint against a school employee by a student (or his/her parent or guardian on the student's behalf), the Coordinator, after initial intake, shall refer the complaint for investigation to the School Principal and/or the SDE Human Resources Labor Relations Unit (860-807-2165). Investigations will be conducted, in consultation with the Coordinator and the Principal, in accordance with the Student Grievance Procedures. Complaint resolution may include but is not limited to training, counseling, transfer of the employee, and progressive discipline (including written reprimand, suspension, and dismissal).

3. Depending on the nature of the complaint, including the severity and duration of the alleged conduct and the unique characteristics of the individuals involved, the Coordinator will determine if an informal resolution is appropriate. If the Coordinator, in consultation with the CTHSS District Coordinator, determines that (1) the allegation is serious enough that it appears to place the complainant or any other person at physical risk; (2) the incident has resulted in a criminal charge; (3) the incident involves a referral to the Department of Children and Families (DCF); (4) the complaint involves an allegation of severe, persistent or pervasive harassment or other serious form of discrimination; (5) there is a pending Formal Procedure against the alleged perpetrator; (6) the alleged perpetrator has previously been found to have violated this Grievance Procedure after a Formal Procedure; (7) or that a Formal Procedure is otherwise appropriate under the circumstances, then the Coordinator must commence a Formal Procedure under Section B.

4. Where the complaining student chooses not to use the Formal Procedure, and where the Coordinator concludes that the allegations or incidents do not require a Formal Procedure, the Coordinator, in consultation with the Principal, shall initiate an Informal Procedure or refer the matter to the Principal to apply the Student Code of Conduct.

5. After receipt of a complaint or report, the Coordinator will attempt to identify and obtain the cooperation of the person(s) who is the victim of the alleged conduct, if there is one. Even where the Coordinator does not obtain the identity of or cooperation by the alleged victim(s), the Coordinator will investigate the allegations, and proceed to the Informal or Formal Procedure, to the extent feasible.

### **A. INFORMAL PROCEDURE**

1. Where an Informal Procedure is initiated, the Coordinator shall meet separately with the complainant and the alleged perpetrator to review and explain the grievance procedures, answer any questions, and explain the prohibition against retaliation. The Coordinator shall also provide confidential advice and counsel, where appropriate.

2. **VOLUNTARY RESOLUTIONS:** If appropriate, after performing an investigation s(he) deems necessary to reach a voluntary resolution, the Coordinator, in consultation with the Principal, will propose a resolution. The Coordinator shall invite the parents or guardians of the complainant and the alleged student perpetrator to attend the resolution meeting. If the complainant, the alleged perpetrator and their parent(s) or guardian(s) agree with the proposed resolution, the Coordinator will write down the resolution, and the complainant and the alleged perpetrator, and their parent(s) or guardian(s), if present, will sign it, and each person will receive a copy. At the meeting, the Coordinator will again explain the prohibition against retaliation. The primary focus of the resolution is to effectively correct the problem and end the complained of conduct through non-disciplinary corrective action, although a resolution may also include disciplinary action.

3. The Coordinator shall report, in writing, the results of an informal resolution to the Principal.

4. If the complainant and alleged perpetrator cannot agree to an informal resolution, or if at any time after resolution the Coordinator or Principal determines that the problem is not corrected, the Coordinator, in consultation with the CTHSS District Coordinator, will refer the matter to the Principal to apply the Student Code of Conduct or initiate a Formal Procedure.

## **B. FORMAL PROCEDURE**

1. The Coordinator will promptly meet separately with the complainant and the alleged perpetrator to inform them about the formal process and explain the prohibition against retaliation. For informational purposes, the Coordinator shall also ask the complainant what (s)he believes may help make him/her feel safe from future harassment or discrimination.

2. **PROMPT INVESTIGATIONS:** The Coordinator will promptly investigate all complaints of harassment or discrimination. Where a school staff member is the alleged harasser or discriminator, see Section V.2. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint.

3. **INVESTIGATIONS:** The Coordinator will use investigative strategies appropriately tailored to the particular facts and circumstances. These strategies may include, but are not limited to, personal interviews, individual statements, site visits, and gathering documents and other relevant information concerning the allegations. The investigation will generally consist of personal interviews with the complainant, the alleged perpetrator(s) and others who witnessed or may have potentially relevant information about the alleged incident or circumstances giving rise to the report or complaint. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances. The Coordinator will also generally review and evaluate any other information or document deemed relevant to the allegations, including information regarding any prior incident(s) committed by the subject of the complaint.

4. **COMMUNICATION DURING INVESTIGATION:** Through the investigatory and complaint resolution process, the Coordinator will make reasonable efforts to regularly inform the complainant and the alleged perpetrator(s) and their parent(s) or guardian(s) of the status of the complaint, and the anticipated timing for concluding the investigation, and for making a determination.

5. **TIME FOR INVESTIGATIONS:** The Coordinator will complete the investigation as soon as practicable, not to exceed ten (10) school days after (s)he receives the complaint or report, except for good cause (as documented in the investigatory file). The Coordinator will make reasonable efforts to expedite the investigation of any claim involving physical violence or serious threats of harm.

6. **INTERIM MEASURES TO PROTECT SAFETY:** The Principal, or his/her school administrator designee, shall take any reasonable step (s)he determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the Coordinator's investigation.

7. **VICTIM ASSISTANCE:** The Coordinator will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

8. **CONFIDENTIALITY:** CTHSS will respect the privacy of the complainant, the alleged perpetrator(s), and the witnesses to the extent possible consistent with federal and state civil rights laws and regulations and these Procedures, and consistent with applicable federal and state confidentiality laws and student record regulations, and CTHSS Education Records Policies and regulations.

9. **FALSE CHARGES:** Any person who makes knowingly false charges or brings a malicious complaint is subject to disciplinary and/or corrective action.

10. **FINDINGS AND RECOMMENDATIONS:** Upon completion of an investigation, the Coordinator will evaluate the evidence and determine whether the allegations have been substantiated and whether the Policy and Grievance Procedure has been violated. The Coordinator will prepare a final investigative report that includes his or her findings, and where a violation is found, recommended corrective and remedial actions. The Coordinator shall promptly provide the completed report to the Principal, or his/her school administrator designee.

11. **BASIS FOR DETERMINING WHETHER POLICY AND GRIEVANCE PROCEDURE VIOLATED:** A determination shall be based on the facts and surrounding circumstances, including, for example, the context, nature, frequency and severity of the behavior, how long the conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and whether the conduct adversely affected the education, work-based learning experience, or school environment of the victim(s) or other school community member(s).

### **C. TAKING DISCIPLINARY, CORRECTIVE AND REMEDIAL ACTION**

1. **TAKING APPROPRIATE ACTION:** If the complaint is substantiated, the Principal, or his/her school administrator designee, shall promptly decide on the appropriate action, based on the investigative findings, taking into account the Coordinator's corrective and remedial action recommendations. Such action shall include imposing disciplinary measures and/or corrective and remedial action reasonably calculated to end the complained of conduct, deter future conduct, and remedy the effects of the discrimination or harassment on the student victim(s) and the school community. Should the Principal recommend discipline more serious than a written reprimand for a school employee, such discipline is subject to review by the Superintendent.

2. **NOTIFYING PARTIES AND PARENTS:** Once the investigation concludes, and a determination made, the principal shall promptly notify the complainant, the alleged perpetrator, and their parents and guardians in writing to let them know whether the complaint has been substantiated. A school administrator must notify both the parents or guardians of students who commit any verified act of harassment and the parents or guardians of students against whom such acts were directed, and invite them to separately attend at least one meeting concerning the harassment conduct. The notification to the involved parents will include a description of the response of school staff to such acts and any consequences that may result from the commission of further acts of harassment. Any information provided under this Policy shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act (FERPA) and CTHSS's Education Records policy and regulations.

3. **IMPOSING DISCIPLINARY ACTION:** Disciplinary action concerning a student may include, but is not limited to, a written warning; school transfer; short-term or long-term suspension; exclusion or expulsion, or any other action authorized by and consistent with the Student Code of Conduct and/or school disciplinary code.

4. **APPLYING CORRECTIVE ACTION:** Corrective action concerning a student may include, but is not limited to adopting a written safety plan for the complainant; for the offending student it may include classroom or school transfer; exclusion from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; adult supervision on school premises; parent conferences; a voluntary apology to the victim; awareness training (to help student perpetrators understand the impact of their behavior); participation in empathy development, cultural diversity, anti-harassment or intergroup relations programs; mandatory counseling, and/or any other action consistent with the Student Code of Conduct and/or school disciplinary code.

5. **PREVENTION AND REMEDIATION:** CTHSS will employ prevention and remediation strategies reasonably calculated to remedy the effects of the discrimination or harassment on the victim and the school community and to provide a safe school climate conducive to learning. Remedial action may include providing or referring the complainant for counseling or victim assistance services and/or tutoring or special educational support; modifying school-wide policies or practices to, for example, enhance equity, and sponsoring anti-harassment, anti-discrimination, or related training for the school staff and/or students.

6. **DISCIPLINE FOR STUDENTS WITH DISABILITIES:** CTHSS complies with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal “Individuals with Disabilities Education Act” (“IDEA”).

7. **ACTION CONCERNING INDEPENDENT CONTRACTORS:**

Disciplinary and corrective action concerning an independent contractor may include, but is not limited to, a request to the employer of the independent contractor to warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related programs or activities; terminating the contract with the District or school, and training.

8. **ACTION CONCERNING SCHOOL VOLUNTEERS:** Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, a written warning, suspending or terminating the volunteer relationship, limiting or denying access to school premises or school-related programs or activities, supervision and training.

9. **ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS:** Corrective action concerning any other school community member, including parents and legal guardians of students, and visitors to CTHSS schools may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor’s access to school premises or school-related programs or activities.

**D. FORMAL PROCEDURE APPEALS**

1. The complainant may appeal to the Principal, or to his/her school administrator designee. The Principal, or his/her school administrator designee, will review the case, and determine whether to reopen the investigation. Written notice of the Principal’s decision shall be provided to the complainant within five (5) school days of the filing of the appeal, except for good cause, as documented in writing.

2. The complainant may also ask the Principal, or his/her school administrator designee, to review, and, where appropriate, revise any non-disciplinary corrective action imposed, if the complainant believes that the corrective action is not adequate to protect him/her from future harassment or discrimination.

3. The complainant may appeal, in writing, the Principal’s decision to the Superintendent, or his/her designee. The Superintendent, or his/her designee, shall review the case and determine whether to reopen the investigation. Written notice of the decision shall be provided to the complainant within ten (10) school days of the filing of the appeal, except for good cause, as documented in writing.

4. If the complainant is not satisfied with the Superintendent’s determination, (s)he may submit a written appeal to the Commissioner of Education, or his/her designee, within fifteen (15) days of the Superintendent’s decision, except for good cause, as documented in writing.

5. Any right to appeal from a disciplinary decision is governed by the Student Code of Conduct, the school’s disciplinary code, the State Department of Education Grievance Procedure and applicable collective bargaining agreements (for employees), and Connecticut and federal law.

**VI. OTHER LEGAL REMEDIES**

1. Any person may also file a complaint of illegal discrimination or harassment at the same time (s)he files a grievance, during or after use of the Grievance Procedure or without using the Grievance Procedure at all with, but not limited to, the following entities. If a complaint is filed with the Office of Civil Rights, United States Department of Education (“OCR”), or the State of Connecticut Commission on Human Rights and Opportunities, it must be filed in writing no later than 180 days after the occurrence to the possible discrimination or harassment. OCR may waive its 180 day time limit based on OCR policies and procedures.

a. Office of Civil Rights, U.S. Department of Education, <sup>8th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921; Telephone number: (617) 289-0111; **fax number: (617) 289-0150; TTY/TDD:**

**(877) 521-2172. Email: OCR.Boston@ed.gov**

- b. State of Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford, CT 06106; Telephone number: (860) 541-3400 or Toll free: (800) 477-5737.
2. Notwithstanding any other remedy, any person may also contact the police or pursue criminal prosecution.