

Personnel – Certified / Non-Certified

**ADMINISTRATIVE REGULATION ON 4111.1AR-4211.1AR(a)
NON-DISCRIMINATION/AFFIRMATIVE ACTION:
EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the Fairfield Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, age, gender or sex (including pregnancy, childbirth and pregnancy-related conditions), sexual orientation, marital status, national origin, alienage, disability, genetic information, veteran status or service in the military, gender identity or expression, status as a victim of domestic violence, status as a qualified medical marijuana user in Connecticut and/or any other characteristic protected by applicable federal, state or local laws and ordinance (“Protected Class”) 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 all members of the school community.

It is the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of membership in a Protected Class.

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.14 – Section 504/ADA.

If a complaint involves allegations of sexual harassment, such complaints will be addressed in accordance with the procedures set forth in Board Policy 4118.112 (Prohibition of Sex Discrimination and Sex Harassment in the Workplace)

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of membership in a Protected Class. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

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

Complaint Procedure

As soon as an individual feels that he or she has been subjected to discrimination or harassment on the basis of membership in a Protected Class he/she should make a written complaint to the Superintendent, or his/her designee. The individual and any respondent (if applicable) will be provided with a copy of the Board's policy and regulation and made aware of his/her rights.

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. Proposed remedy.

Any individual who makes an oral complaint of harassment or discrimination will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint,

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the staff member receiving the oral complaint will either reduce the complaint to writing or assist the individual with completing the written complaint form.

All complaints received by staff members are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent or his/her designee shall promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator (“respondent”) and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination, the investigator should:

1. offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
2. provide the complainant and respondent (if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;

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5. maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants;
7. during periods of time when school is not in session) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) 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;
8. if a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see subparagraph 6);
9. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
10. if either party to the complaint is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the

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proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

Any employee also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):
Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:
Equal Employment Opportunity Commission, Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800-669-4000)

Employees may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:
Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(800-477-5737)

DISCRIMINATION COMPLAINT FORM

(For complaints based on race, color, religion, age, gender or sex (including pregnancy, childbirth and pregnancy-related conditions), marital status, sexual orientation, national origin, alienage, ancestry, disability, genetic information, veteran status gender identity or expression or service in the military, status as a victim or domestic violence, status as a qualified medical marijuana user)

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

Proposed remedy _____

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NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator:

Executive Director of Human Resources
501 Kings Highway East, Suite 210
Fairfield, CT 06825
203-255-8462

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process. All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Any employee who knowingly makes false statements or knowing submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) is included with this notice.

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NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL HARASSMENT COMPLAINTS
UNDER TITLE IX

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation [alternatively, could be restorative justice]. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The District will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date

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To be posted in a conspicuous place readily available for viewing by employees and emailed to employees within three months of hire with the subject line "Sexual Harassment Policy" or words of similar import.

SEXUAL HARASSMENT IS ILLEGAL
AND IS PROHIBITED BY THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES
ACT

(Section 46a-60(a)(8) of the Connecticut General Statutes)
AND
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(42 United States Code Section 2000e et seq.)

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment Include:

Unwelcome sexual advances
Suggestive or lewd remarks
Unwanted hugs, touches, kisses
Requests for sexual favors
Retaliation for complaining about sexual harassment
Derogatory or pornographic posters, cartoons, or drawings.

Remedies for Sexual Harassment May Include:

Cease and desist orders
Back pay
Compensatory damages
Punitive damages
Hiring, promotion, or reinstatement

Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal.

Violation of this policy is grounds for discipline, including discharge.

Individuals who engage in acts of sexual harassment may also be subject to civil and criminal penalties.

An infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator or Superintendent if the Title IX Coordinator is the Subject of the complaint. Confidentiality will be maintained to the extent possible.

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Any employee who believes that he or she has been harassed or discriminated against in the workplace in violation of this policy may also contact:

The Connecticut Commission on Human Rights and Opportunities

Southwest Region Office [regional offices and their addresses can be found on the CHRO
website, ct.gov/chro/
350 Fairfield Avenue, 6th Floor
Bridgeport, CT 06604

and/ or:

The Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone (800) 669-4000

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