

Personnel - Certified/Non-Certified

Nondiscrimination

Equal Employment Opportunity

The East Hampton Board of Education provides equal employment opportunities for all employees and applicants for employment. This policy means that all employment decisions are made without regard to race, color, religion, creed, national origin, ancestry, sex, sexual orientation, gender identity or expression, marital status, age, physical or mental disability, genetic predisposition or carrier status, veteran status, or any other basis prohibited by local, state and federal laws. Employment decisions include, but are not limited to, recruitment, hiring, promotion, transfer, compensation, benefits, training, layoff and termination.

The school district hires people based on their qualifications for the position being filled by virtue of job related standards of suitability. Unless provided otherwise by contract, the school district's promotional decisions are based upon an employee's performance and qualifications as they relate to the new responsibilities.

Reasonable accommodations shall be available to disabled employees, where their disability affects the performance of job functions. Pre-employment inquires shall be made only regarding an applicant's fitness for the job. Medical records shall be kept separate from other employee information and shall be treated confidentially in accordance with applicable state and federal law.

Any employee or applicant who feels there has been a violation of this policy should bring the matter to the immediate attention of the Building Principal or the Title IX Coordinator, unless the Title IX Coordinator is the subject of the complaint, in which case it should be brought to the Superintendent. Any staff member or administrator who receives a complaint should bring the matter to the immediate attention of the Title IX Coordinator, unless he or she feels the Title IX Coordinator is the inappropriate person to handle the matter under the particular circumstances, in which case, it should be brought to the attention of the Superintendent of Schools.

The Title IX Coordinator shall have responsibility for coordinating compliance with this policy and investigating or supervising the investigation of complaints.

Legal Reference: Connecticut General Statutes
 10-153 Discrimination on account of marital status.
 46a-60 Discriminatory employment practices prohibited.
 Federal Law
 Title VII of the Civil Rights Act 1964
 Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C.
 706(7)(b).
 American Disability Act of 1989.
 Chalk v. The United States District Court of Central California.
 Title IX of the Education Amendments of 1972.
 Civil Rights Act of 1987.
 P.A. 11-55 An Act Concerning Discrimination

Policy adopted:	June 26, 2006	EAST HAMPTON PUBLIC SCHOOLS
Policy revised:	December 8, 2008	East Hampton, Connecticut
Policy revised:	October 24, 2011	

Personnel -- Certified/Non-Certified

Grievance Procedure – Title IX-Gender Equity and Sexual Harassment/Section 504 of the Rehabilitation Act of 1973

Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated or harassed on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, mental retardation and past/present history of mental disorder, learning disability, and physical disability may file a grievance against the school or program, based on the provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, and Section 504 of the Rehabilitation Act of 1973.

The school system shall designate a person or persons to coordinate activities under the three laws and to provide assistance to anyone initiating a complaint. The school system will publish yearly the names of persons assigned these responsibilities.

The grievance procedure shall contain several informal and formal levels of activity.

Informal Level

1. Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated against or harassed on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, mental retardation, and past/present history of mental disorder, learning disability, and physical disability shall contact the designated building compliance coordinator preferably as soon as possible after the incident but within the school year of the alleged occurrences to discuss the nature of the complaint.

The Building Compliance Coordinator shall maintain a written record which shall contain the following:

- a. Full name and address of complainant.
 - b. Full name and position of person(s) who allegedly discriminated against the complainant.
 - c. A concise statement of the facts constituting the alleged discrimination.
 - d. Dates of the alleged discrimination.
2. At the time the complaint of alleged discrimination is filed, the Building Compliance Coordinator shall begin investigating the complaint as soon as practical, but in no case, more than ten (10) school/working days from the time the complaint was received. Within this time limit, the Building Compliance Coordinator shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, and shall provide confidential counseling where advisable and finally shall seek an informal agreement between the parties concerned within fifteen (15) school/working days of receipt of such complaint. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

Personnel -- Certified/Non-Certified

Grievance Procedure – Title IX-Gender Equity and Sexual Harassment/Section 504 of the Rehabilitation Act of 1973 (continued)

Formal Level

1. If the complainant is not satisfied with the resolution(s) reached through the informal procedures, more formal procedures may be initiated by the complainant to further explore and resolve the problem internally. If requested to do so by the complainant within ten (10) school/working days, the Building Compliance Coordinator shall present the written alleged discrimination complaint to the District Compliance Officer. A review of all the facts and recommendations will be considered. Further investigation will be pursued if necessary. The District Compliance Officer in consultation with the Building Level Compliance Officer will present his/her recommendations to the parties concerned within fifteen (15) school/working days of receipt of such complaint.
2. If the complainant is not satisfied with the decision of the District Compliance Officer, he/she may submit, within ten (10) school/working days, a written appeal to the Superintendent of Schools.

The Superintendent shall review all aspects of the case, and, within fifteen (15) school/working days, shall approve the District Compliance Officer's decision or modify the decision in any manner deemed appropriate to fairly resolve the complaint.

3. If the complainant is not willing to abide by the Superintendent's recommendation, he/she may submit a written appeal to the Board of Education within ten (10) school/working days of the Superintendent's decision.

With at least five (5) school/working days notice given prior to the hearing, the Board of Education shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es) and to legal counseling or other representation, if desired. The Board of Education or an appointed, select committee of the Board of Education shall hear all aspects of the appeal and reach a decision within fifteen (15) school/working days of the hearing. The decision shall be presented in writing to the complainant at the Board's next regularly scheduled meeting. The Secretary of the Board of Education shall inform the parties of the Board's action within five (5) working days of the Board's meeting.

Any person may also file a complaint of illegal discrimination with the Officer for Civil Rights, Washington, D.C. at the same time he/she files the grievance during or after use of the grievance process, or without using the grievance process at all. If the complaint is filed with the Office for Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the possible discrimination.

Personnel -- Certified/Non-Certified

Sexual Harassment

It is the policy of the Board of Education to maintain a learning and working environment for all employees that is free from sexual harassment.

It shall be a violation of this policy for any staff member or any individual subject to the control of the Board of Education to harass a student or another employee through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass district employees through conduct or communication of a sexual nature as defined below. (See Policy 5145)

The right to confidentiality of both the complainant and the accused will be respected consistent with the school district's legal obligations with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred. Investigations of such matters usually entail conferring with the involved parties and any named witnesses.

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition or an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's job performance or creating an intimidating, hostile or offensive work environment, which has an adverse affect in the ability of an employee to benefit from his/her work related responsibilities.

Sexual harassment, as defined above, may include but is not limited to the following:

- Verbal harassment or abuse;
- Pressure for sexual activity;
- Repeated remarks to a person with sexual or demeaning implications;
- Unwelcome touching;
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's employment, etc.
- Comments about one's body, sexual remarks, innuendos, and obscene gestures

Personnel -- Certified/Non-Certified

Sexual Harassment (continued)

Any person who alleges sexual harassment occurring in the district may use the school's complaint procedure (Board policy 5145.61 and 4118.111 as noted in the Manual of Selected Policies and Procedures) or may complain directly to the building principal, guidance counselor or other individual designated to receive such complaints at which time Board Policies 5114, 5144 and 5145 could be in effect if appropriate. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future job-related assignments.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

A substantiated charge against a staff member of the Board shall subject such staff member to disciplinary action including discharge.

A substantiated charge against a student in the school district shall subject the student to disciplinary action, including suspension or expulsion.

This Policy is to be included in the Manual of Selected Policies and Procedures which is sent to each home of our students each year.

Legal References: Title IX of the Education Amendments of 1972 for Sexual Harassment

42 U.S.C. S2000d ("Title VII")

29 C.F.R. S1604.11 (EEOC Guidelines on Sexual Harassment)

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified/Non-Certified

Sexual Harassment and Other Unlawful Harassment

Complaint Procedure

It is the policy of the East Hampton Board of Education to encourage victims of sexual or other unlawful harassment as defined by Board policy no. 4118.112/4218.112 to promptly report such complaints. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Any employee who feels that he/she has been harassed on the basis of sex, sexual orientation, race, color, religion, creed, national origin, ancestry, marital status, age, or physical or mental disability should bring his/her complaint to the Building Principal, Assistant Principal or Title IX Coordinator. The Building Principal or Assistant Principal will immediately inform the Title IX Coordinator upon receipt of any such complaint, or the Superintendent if the Title IX Coordinator is the subject of the complaint.

The administrator should urge the complainant to state his or her complaint in writing and sign the complaint. The administrator should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the administrator should ask the complainant to review the complaint for accuracy and have the complainant sign. If the complainant refuses to sign, the administrator should note so on the form. The complaint should include at a minimum, the name of the complainant, date of the complaint, date of the alleged harassment, name or names of the alleged harasser(s) and a detailed statement of the circumstances leading to the complaint.

All complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as result of reporting sexual or other unlawful harassment may result in disciplinary action against the retaliator, up to and including discharge.

The school district will provide staff development for new district administrators and other supervisors and will publish its policy and complaint procedure to employees in an effort to maintain an environment free of sexual and other unlawful harassment.

Responsibilities of Personnel

All Employees. Any employee, staff member or administrator who feels that he or she is a victim of sexual or other unlawful harassment is strongly urged to firmly and immediately notify the offender that his or her behavior is unwelcome and request that it stop. If the conduct does not stop or the victim is uncomfortable confronting the offender, the victim should immediately report the complaint to the Building Principal, Assistant Principal or Title IX Coordinator unless the Title IX Coordinator is the subject of the complaint in which case the complaint should be reported to the Superintendent. It is preferred that the complaint be committed to writing as soon as practical.

Personnel -- Certified/Non-Certified

Sexual Harassment and Other Unlawful Harassment

Complaint Procedure (continued)

The school system has forms for this purpose that may be used by the complainant if he or she chooses. Any employee, staff member or administrator who has not been victimized but is aware of a possible violation of the Board's policy on sexual and other unlawful harassment should likewise report such information verbally or in writing. Administrators and supervisors who fail to report may be subject to discipline.

Administrators. Any complaint or other communication from an applicant for employment, an employee, a visitor, a government agency, or an attorney concerning sexual and/or other harassment should be immediately shared with the Title IX Coordinator, who has final responsibility for the proper resolution of all reports and complaints. If notification to the Title IX Coordinator is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the Title IX Coordinator or Superintendent or his or her designee.

Upon any notice from an employee that illegal harassment may be occurring, the administrator should inform the employee of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. The administrator should encourage the employee to commit the complaint to writing and provide the employee a form for this purpose. The administrator may assist the employee in writing the complaint. The administrator should be aware that there is no requirement that the complaint be stated in writing. The administrator should advise the employee that confidentiality will be maintained to the extent possible and should advise participants in the investigation not to discuss the subject with others in the workplace. The administrator cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The administrator should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

Administrators must attend a school-sponsored sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district.

Title IX Coordinator. The Title IX Coordinator (or Superintendent or his/her designee) is responsible for designating the investigator of any complaint, which may be him or herself, a staff member, another administrator or an outside investigator, and providing guidance as necessary. The advice of legal counsel should be sought as necessary. (See responsibilities of Investigators below).

Personnel -- Certified/Non-Certified

Sexual Harassment and Other Unlawful Harassment

Complaint Procedure (continued)

The Title IX Coordinator is also responsible for ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment, including but not limited to Sections 46a-60 (a)(8) and 46a-54 of the General Statutes of Connecticut, and Sections 46a-54-200 through 46a-54-207 of the Regulations of Connecticut State Agencies. The Title IX Coordinator reviews the Board's policy on sexual and unlawful harassment and these accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation.

The definition of "sexual harassment" as well as the process by which any employee may make a complaint of sexual or other illegal harassment is part of the orientation for all new employees. The Title IX Coordinator ensures that the Board's policy and administrative regulations are distributed to all employees at the time of hire, with each update, and periodically thereafter. He or she is also responsible for conspicuously posting the policy in places of employee access and ensuring employees are aware of who is serving as Title IX Coordinator for the Board and how he or she may be reached.

Investigators. After an impartial and prompt investigation of the complaint, the investigator should ascertain, with the proper assistance, whether the alleged conduct occurred, and whether such conduct constitutes a violation of the Board's policy. If there is a violation, the investigator should recommend the action necessary to eradicate the harassment, to discourage like conduct in the future, and to communicate that such conduct is inappropriate and a violation of Board policy. In such case, the investigator should consider appropriate discipline of the offender, which may include, but is not limited to, a verbal or written reprimand, reassignment, transfer, suspension or termination.

After assessing the findings and recommending corrective action in regard to a sexual or other harassment investigation, the investigator, with the assistance of the Title IX Coordinator, should summarize in writing the findings, conclusions and recommendations. Depending on the nature of the complaint, the report and supporting documentation may be forwarded to the Superintendent (or designee) for a second review in which case the initial report should clearly be labeled "Preliminary". If a second internal review is warranted but is impractical or implausible in light of the circumstances or persons involved, the report may be forwarded to outside legal counsel or an outside investigator. The second reviewer should review the investigative file, conduct further investigation if needed, and prepare a revised summary report. The findings and corrective actions should be communicated to the complainant and the alleged offender.

Personnel -- Certified/Non-Certified

Sexual Harassment and Other Unlawful Harassment

Complaint Procedure (continued)

All investigators should carefully document all aspects of their review, investigation, and subsequent communications. The brief summary report should not include individual's names, except the names of the complainant and the alleged harasser. Documentation of the investigation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file.

Personnel -- Certified/Non-Certified

Harassment

The Board strives to provide a safe, positive working climate for its 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 work performance;
3. otherwise adversely affects an individual's employment opportunities;

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;

Personnel -- Certified/Non-Certified

Harassment (continued)

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 employment;
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 employee's 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.

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.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designate the 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 Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

Personnel -- Certified/Non-Certified

Harassment (continued)

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

(cf. 5145.52 – Harassment)

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,
29 CFR Sec. 1606.8 (a) 62 Fed. Reg. 12033 (March 13, 1977) and 66 Fed.
Reg. 5512 (January 19, 2001)
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)
Davis v. Monro County Board of Education, 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: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified/Non-Certified

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 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 employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance 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 employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*) or Compliance 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.

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

Upon receiving a formal complaint, the building level administrator in concert with the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance 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.

Personnel -- Certified/Non-Certified

Harassment

Harassment Complaint Procedure (continued)

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 Superintendent, 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 Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent 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 Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Personnel -- Certified/Non-Certified

Conflict of Interest

The Board of Education wishes to avoid any conflict of interest on the part of its employees regarding their personal interests and the interests of the school district in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the school district. For this reason, the Board of Education prohibits employees from directly or indirectly soliciting any gift; or accepting or receiving any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the Board member or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Legal Reference: Connecticut General Statutes

7-479 Conflicts of interest.

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified

Academic Freedom

The Board of Education recognizes the right of a teacher to discuss social, economic, or political problems as well as the right of a student to discuss the same and hold any belief without interference from the teacher.

The Board believes, however, that freedom carries with it responsibility. Academic freedom also carries with it academic responsibility that is determined by the basic ideals, goals, and institutions of the local community as they are expressed in the goals and objectives of the school system. The teacher's responsibility should be to show objectivity to see that various sides of controversial issues are given. To carry out this responsibility a teacher should be well informed in the areas being studied.

As a consequence of its responsibility to guarantee academic freedom to both students and teachers, the Board expects that:

1. All classroom studies will be curriculum-related, factual, objective, and impartial;
2. Teachers will create and maintain an atmosphere of open-mindedness and tolerance;
3. Teachers will not attempt, directly or indirectly, to limit or control students' judgment concerning any issue, but will make certain that full and fair consideration is given to the subject and that facts are carefully examined as to their accuracy and interpretation.

Academic freedom is not absolute. It must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. An understanding of our democratic tradition and its methods;
2. A concern for the welfare, growth, maturity, and development of children;
3. The method of scholarship; and
4. Application of good taste and judgment in selecting and employing materials and methods of instruction.

Personnel -- Certified

Academic Freedom

(cf. 1220 - Citizens' Advisory Committees)
(cf. 1312 - Public Complaints)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6144 - Controversial Issues)
(cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes

53a-193 through 53a-200

Keyishian v. Board of Regents, 395 U.S. 589, 603 (1967)

Perry v. Sindermann, 408 U.S. 593 (1972)

Pickering v. Board of Education, 391 U.S. 563 (1968)

Sterzing v. Fort Bend Independent School District, 376F. Supp. 657 (S.D. Tex 1972)

Grayned v. City of Rockford, 408 U.S. 104 (1972)

Miller v. California, 413 U.S. 15 (1973)

Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4,5

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified

Academic Freedom

1. Teachers and administrators shall have the right to determine and select which instructional material and methods are to be used in the schools, subject to budgetary consideration.
2. The exercise of this right shall be within the framework of good taste and the growth and maturity of children.
3. Partisan views of teachers, administrators, the public, and/or Board members may not be used to suppress (or promote) instructional materials that are otherwise appropriate (or inappropriate).
4. The goal in selecting and utilizing instructional materials is the development of children's critical facilities, and of their ability to learn for themselves and make sound judgments; therefore, the selection of materials should be broad rather than narrow, factual rather than dogmatic.
5. Teachers shall not exclude relevant materials simply because it is unpopular or not widely accepted.
6. Teachers' personal opinions may be presented provided that the teacher does not use them to indoctrinate students.
7. Teachers shall not penalize students who disagree with them or who present views which are unpopular and/or not widely accepted.

(cf. 6144 - Controversial Issues)

Personnel -- Certified

Code of Ethics

The East Hampton Board of Education incorporates into its policies the following Code of Ethics as adopted by the National Education Association Representative Assembly.

Preamble

We, professional educators of the United States of America, affirm our belief in the worth and dignity of man. We recognize the supreme importance of the pursuit of truth, the encouragement of scholarship, and the promotion of democratic citizenship. We regard as essential to these goals the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. We affirm and accept our responsibility to practice our profession according to the highest ethical standards.

We acknowledge the magnitude of the profession we have chosen, and engage ourselves, individually and collectively, to judge our colleagues and to be judged by them in accordance with the applicable provisions of this code.

PRINCIPLE I - Commitment to the Student

We measure success by the progress of each student toward achievement of his/her maximum potential. We, therefore, work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. We recognize the importance of cooperative relationships with other community institutions, especially the home.

In fulfilling our obligations to the students, we--

1. Deal justly and considerately with each student.
2. Encourage the student to study varying points of view and respect his/her right to form his/her own judgment.
3. Withhold confidential information about a student or his/her home unless we deem that its release serves professional purposes, benefits the student, or is required by law.
4. Make discreet use of available information about the student.
5. Conduct conferences with or concerning students in an appropriate place and manner.
6. Refrain from commenting unprofessionally about a student or his/her home.
7. Avoid exploiting our professional relationship with any student.
8. Tutor only in accordance with officially approved policies.
9. Inform appropriate individuals and agencies of the student's educational needs and assist in providing an understanding of his/her educational experiences.
10. Seek constantly to improve learning facilities and opportunities.

Personnel -- Certified

Code of Ethics

PRINCIPLE II - Commitment to the Community

We believe that patriotism in its highest form requires dedication to the principles of our democratic heritage. We share with the citizens the responsibility for the development of sound public policy. As educators, we are particularly accountable for participating in the development of educational programs and policies and for interpreting them to the public. In fulfilling our obligations to the community, we--

1. Share the responsibility for improving the educational opportunities for all.
2. Recognize that each educational institution may have a person authorized to interpret its official policies.
3. Acknowledge the right and responsibility of the public to participate in the formulation of educational policy.
4. Evaluate, through appropriate professional procedures, conditions within a district or institution of learning, make known serious deficiencies, and take any action deemed necessary and proper.
5. Use educational facilities for intended purposes consistent with applicable policy, law and regulation.
6. Assume full political and citizenship responsibilities, but refrain from exploiting the institutional privileges of our professional positions to promote political candidates or partisan activities.
7. Protect the educational program against undesirable infringement.

PRINCIPLE III - Commitment to the Profession

We believe that the quality of the services of the education profession directly influences the future of the nation and its citizens. We, therefore, exert every effort to raise educational standards, to improve our service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, we contribute actively to the support, planning and programs of our professional organizations.

Personnel -- Certified

Code of Ethics

PRINCIPLE III - Commitment to the Profession (continued)

In fulfilling our obligations to the profession, we--

1. Recognize that a profession must accept responsibility for the conduct of its members and understand that our own conduct must be regarded as representative of our profession.
2. Participate and conduct ourselves in a responsible manner in the development and implementation of policies affecting education.
3. Cooperate in the selective recruitment of prospective teachers and in the orientation of student teachers, interns and those colleagues new to their positions.
4. Accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities, and support them when unjustly accused or mistreated.
5. Refrain from assigning professional duties to nonprofessional personnel when such assignment is not in the best interest of the student.
6. Keep the trust under which confidential information is exchanged.
7. Make appropriate use of time granted for professional purposes.
8. Interpret and use the writings of others and the findings of research with intellectual honesty.
9. Maintain our integrity when dissenting by basing our public criticism of education on valid assumptions.
10. Represent honestly our professional qualifications and identify ourselves only with reputable educational institutions.
11. Respond accurately to requests for evaluations of colleagues seeking professional positions.

PRINCIPLE IV - Commitment to Professional Practices

We regard the employment agreement as a solemn pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. Sound professional personnel relationships with governing boards are built upon personal integrity, dignity and mutual respect.

Personnel -- Certified

Code of Ethics

PRINCIPLE IV - Commitment to Professional Practices (continued)

In fulfilling our obligations in professional employment practices, we--

1. Apply for a position on the basis of professional and legal qualifications.
2. Apply for a specific position only when it is known to be vacant and refrain from such practices as underbidding or commenting adversely about other candidates.
3. Adhere to the conditions of the contract or to the terms of an appointment until either has been terminated legally or by mutual consent.
4. Give proper notice of any change in availability of service, in status of applications, or in change of position.
5. Conduct professional business through recognized educational and professional channels.
6. Accept no gratuities or gifts of significance that might influence our judgment in the exercise of our professional duties.
7. Engage in no outside employment that will impair the effectiveness of our professional service and permit no commercial exploitation of our professional position.

Personnel -- Certified/Non-Certified

Alcohol, Drugs, and Tobacco

There shall be no use, distribution, or unlawful possession of illicit drugs or alcohol in the building, on the grounds, on transportation provided by the Board, or at any event, trip or activity sponsored by the school or under supervision of the Board, other than as medically prescribed, and as set forth in the regulation of 5141.21, Administration of Medication.

Employees who violate the standards of conduct will be subject to disciplinary action, consistent with applicable state and federal laws, and referral for criminal prosecution. Disciplinary action may include, but is not limited to, a letter of reprimand, suspension or termination from employment, and enrollment and successful completion of an appropriate substance abuse rehabilitation program.

Tobacco

There shall be no smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agent.

A copy of this policy and the consequences of violating the policy shall be distributed to all employees of the Board of Education. Failure to comply with the policy may result in disciplinary action as detailed by the administration.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

1-21b Smoking prohibited in certain places.

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified/Non-Certified

Smoking, Drinking and Use of Drugs on School Premises

Smoking

The following regulation shall apply to all facilities operated by the Board of Education. As used here, "smoke" or "smoking" shall mean the lighting or carrying of a lighted cigarette, cigar, pipe, or similar device.

Smoking in public school buildings (all schools and offices) is prohibited at all times.

The administration will cooperate in the development and implementation of a smoking cessation program on a voluntary basis for high school students in conjunction with the Student Council and for Board of Education certified and classified staff members in conjunction with their particular association/union.

Legal Reference: Connecticut General Statutes

1-21b Smoking prohibited in certain places. Signs required. Penalty (amended by P.A. 79-410 - An Act Concerning Clean Indoor Air P.A. 87-201, An Act Prohibiting Smoking Anywhere in Schools During School Hours)

Personnel – Certified/Non-Certified

Drug-Free Workplace

In the event the East Hampton Public Schools receives direct federal funds no employee engaged in work in connection with a federal grant shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

The “workplace” is defined to mean the site for the performance of work done in connection with a federal grant. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district where work on a federal grant is performed.

As a condition of employment in any federal grant, each employee who is engaged in the performance of a federal grant, shall notify his or her supervisor of his or her conviction occurring in the workplace as defined above, no later than 5 days after such conviction.

As a condition of employment in any federal grant, each employee who is engaged in the performance of a federal grant, shall abide by the terms of the school district policy respecting a drug-free workplace.

An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated, at the discretion of the Board.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308. 54 Fed. Rev. 4946 (1989)

Personnel – Certified/Students

Prohibitions Regarding Recommendations for Psychotropic Drug Use

In conformity with state statute, the Board of Education prohibits all school personnel, including school health or mental health personnel, from recommending the use of psychotropic drugs for any student enrolled within the school system. The term “recommended” means to directly or indirectly suggest that a child use a psychotropic drug.

“Psychotropic drugs” are prescription medications for the behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to stimulant medication and antidepressants.

Although recommending the use of psychotropic drugs is prohibited, school health or mental health personnel may, however, recommend to a parent or guardian that a student be evaluated by an appropriate medical practitioner. For the purposes of this policy, the term “school health or mental health personnel” includes school nurses, district medical advisors, psychologists, social workers, guidance counselors, speech language pathologists, building administrators and the Director of Support Services.

Any school personnel who are not empowered to recommend a medical evaluation but have concerns regarding a student’s need for such a recommendation should notify the building principal. The Director of Support Services shall establish guidelines for the method of which school health or mental health personnel communicate a recommendation to a parent or guardian that a student be evaluated by an appropriate medical practitioner. When such a recommendation is made, the school health or mental health personnel making the recommendation will also request a written consent from the parent or guardian to consult with such practitioner. Upon receiving such consent, school personnel may consult with the designated medical practitioner regarding any topic relevant to the medical evaluation, including the use of prescription medication.

Nothing in this policy shall be construed to prohibit a planning and placement team from discussing with parents and/or guardians or a student the appropriateness of consultation with, or evaluation by, medical practitioners.

The Superintendent of Schools or his/her designee shall disseminate this policy to district personnel and parents/guardians of students annually and upon the registration of new students.

Legal Reference: Connecticut General Statutes
10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)

Policy adopted: November 26, 2001
Policy revised: June 28, 2004

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Personnel -- Certified

Duties of Personnel

All employees of the school system are subject to the policies of the Board of Education, applicable laws and current employee agreements.

Job descriptions shall be established for each type of work to be performed by certified employees.

Job descriptions shall include the following:

1. Job title,
2. Duties to be performed,
3. Type and extent of training required,
4. Degree of responsibility assumed, and
5. Other related factors.

The job descriptions shall determine the job classification of the employee on the salary schedule. In each instance, the employee shall meet the requirements set forth in the job description. Job descriptions for all employees shall be provided by the Superintendent and maintained in a separate manual.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use

The Board of Education provides computers, networks and Internet access to support the educational mission of the schools and to enhance the curriculum and learning opportunities for students and school staff.

Employees are to utilize the school unit's computers, networks and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

Any employee who violates this policy and/or any rules governing use of the school unit's computers will be subject to disciplinary action, up to and including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

All District computers remain under the control, custody and supervision of the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees. Employees have no expectation of privacy in their use of school computers.

Each employee authorized to access the school unit's computers, networks and Internet services is required to sign an acknowledgment form stating that they have read this policy and the accompanying regulations. The acknowledgment form will be retained in the employee's personnel file.

The Superintendent or his/her designee shall be responsible for overseeing the implementation of this policy and the accompanying rules and for advising the Board of the need for any future amendments or revisions to the policy/regulations. The Superintendent or his/her designee may develop additional administrative procedures/rules governing the day-to-day management and operations of the school unit's computer system as long as they are consistent with the Board's policy/rules. The Superintendent may delegate specific responsibilities to building principals and others as he/she deems appropriate.

(cf. 6141.321 - Student Use of the Internet)

(cf. 6141.322 - Web Sites/Pages)

Legal References: Connecticut General Statutes
 The Freedom of Information Act
 53A-182B Harassment in the first degree.
 P.A. 98-142 An Act Requiring Notice to Employees of Electronic
 Monitoring by Employers.

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

**EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut**

**EMPLOYEE COMPUTER AND INTERNET USE
ACKNOWLEDGMENT FORM**

No employee shall be allowed to use school computers or the Internet until he/she has signed and returned this acknowledgment.

I have read policy 4118.5/4218.5 - Acceptable Computer Network Use and its Administrative Regulations - Acceptable Computer Network Use and understand their terms and conditions.

Signature

Date