

**BRANFORD BOARD OF EDUCATION
POLICY COMMITTEE**

WEDNESDAY 7:30 PM December 13, 2023	Walsh Intermediate School Cafeteria 185 Damascus Road Branford, CT 06405
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To locate agendas and to access/view meetings please go to www.branfordschools.org

Branford Public Schools Mission and Vision Statement

Nurturing students and citizens who develop a deep commitment to learning today and leading tomorrow is the central goal of Branford Public Schools.

A G E N D A

- I. Call to Order**
- II. Public Comments**
- III. Approve Minutes**
- IV. Discussion/Action Items**
 - A. Policy 4475 Increasing Educator Diversity Plan**
 - B. Policy 1000 Non-Discrimination (Community/Board Operation)**
 - C. Policy 4600 Non-Discrimination (Personnel)**
 - D. Policy 5000 Non-Discrimination (Students)**
- V. Adjourn**

**TO PARTICIPATE IN PUBLIC COMMENTS REMOTELY PLEASE CALL:
(646) 558-8656 Meeting ID: 815 6405 4671 Passcode: 812124**

*When participating by telephone please mute your phone when joining the meeting and unmute your phone when you are ready to speak. This can be done by pressing *6 on your phone's keypad.*

Rules Governing Public Comments:

- Three minutes will be allotted to each speaker. The Board may modify this limitation at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so. (Board Bylaw 9325)
- Conduct intended primarily to disrupt the Board of Education meeting shall not be permitted. Any speaker who engages in such conduct will be warned and allowed to correct such conduct. If the speaker continues to engage in the disruptive conduct such will be grounds for termination of the speaker's privilege to participate in public comment and may be deemed grounds for removal from the meeting site.
- All speakers must identify themselves by name and address.



INCREASING EDUCATOR DIVERSITY PLAN

In accordance with Sections ~~10-103~~(3), 10-220(a), and 10-156ee of the Connecticut General Statutes, the Branford Board of Education (the "Board") has developed the following written plan for increasing educator diversity:

1. All recruiting sources will be informed in writing of the Board's non discrimination policy.
2. Each Board employee involved in hiring educators for the Branford Public Schools (the "District") shall successfully complete the video training module relating to implicit bias and anti-bias in the hiring process, developed pursuant to Connecticut General Statutes ~~§ 10-106~~ee, prior to such employee's participation in the educator hiring process for the District.
3. The Board will develop contacts with local training and educational institutions, including those with highly diverse enrollments, to publicize job openings within the District and to solicit referrals of diverse and qualified candidates.
4. The Board will develop contacts with local community organizations, including diverse community organizations, to publicize job openings within the District and to solicit referrals of diverse and qualified candidates.
5. The Board will maintain, or expand, as appropriate, its ~~help~~ wanted advertising to include print and/or broadcast media that is targeted to diverse individuals.
6. The Board will participate in local job fairs, including those that are sponsored by diverse community organizations or otherwise targeted toward diverse individuals.
7. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
8. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

Legal References:

Connecticut General Statutes ~~§ 10-103~~ (3) Educational interests of state identified
Connecticut General Statutes ~~§ 10-220~~(a) Duties of boards of education
Connecticut General Statutes ~~§ 10-106~~ee Duties re minority teacher recruitment
Connecticut General Statutes ~~§ 10-106~~hh Completion of video training module

re implicit bias and anti-bias in hiring
process for certain school district
employees

ADOPTED:
REVISED:
12.13.23

COMMITTEE 12.13.23



Personnel

4475 P

**INCREASING EDUCATOR DIVERSITY PLAN FOR MINORITY
EDUCATOR RECRUITMENT**

In accordance with Sections 10-4a(3), 10-220(a), and 10-156ee of the Connecticut General Statutes, the Branford Board of Education (the “Board”) has developed the following written plan for ~~minority~~increasing minority educator ~~diversity~~recruitment:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. Each Board employee involved in hiring educators for the Branford Public Schoos (the “District”) shall successfully complete the video training module relating to implicit bias and anti-bias in the hiring process, developed pursuant to Connecticut General Statutes § 10-156ee, prior to such employee’s participation in the educator hiring process for the District.
3. The Board will develop contacts with local training and educational institutions, including those with ~~highly diverse~~high minority enrollments, to publicize job openings within the ~~District~~school district and to solicit referrals of ~~diverse and qualified minority~~ candidates.
43. The Board will develop contacts with local ~~minority~~ community organizations, including diverse community organizations, to publicize job openings within the ~~District~~ school district and to solicit referrals of ~~diverse and qualified minority~~ candidates.
45. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to ~~diverse individuals~~minorities.
65. The Board will participate in local job fairs, including those that are sponsored by ~~diverse minority~~ community organizations or otherwise targeted toward ~~diverse individuals~~minorities.
76. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
87. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

Legal References:

Connecticut General Statutes §10-4a (3) Educational interests of state identified
Connecticut General Statutes §10-220(a) Duties of boards of education
Connecticut General Statutes §10-156ee Duties re minority teacher recruitment
Connecticut General Statutes §10-156hh Completion of video training module
re implicit bias and anti-bias in hiring
process for certain school district
employees

ADOPTED: ~~10-19-2022~~

REVISED:

~~12.13.237/30/2018~~

~~Technical Revisions 9/16/20~~



NON-DISCRIMINATION

It is the policy of the Branford Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Branford Public Schools (“the District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities, as well as the district website. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination: Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program



or activity of the Board because of such individual's actual or perceived membership in a Protected Class.

B. Harassment: Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:



BPS District Title IX Coordinator
Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-7816

C. “Gender identity or expression” refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

D. Sexual orientation: Sexual orientation refers to a person’s identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

E. “Veteran” means any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. “Qualifying condition” means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

F. Race: the term is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

G. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as



described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the ~~discrimination~~ policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability based harassment, have specific policies and procedures applicable to ~~these~~ of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy ~~4650~~ *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)* or Policy ~~5250~~ *Title IX Sex Discrimination and Sexual Harassment (Students)* Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy ~~4625~~ *Section 504/ADA (Personnel)* or Policy ~~5125~~ *Section 504/ADA (Students)*

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:



In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any individual who believes a community member has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non Discrimination/Community, which accompany this policy, and are available online at www.branfordschools.org or upon request from the main office of any District school.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals may also file a complaint with the following agencies:

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>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities

450 Columbus Blvd.

Hartford, CT 06103-1835

(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Equal Employment Opportunity Commission (employees only):

Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

(800-669-4000)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations; OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment;

may contact any District administrator or the following District official:

Branford Public Schools

185 Damascus Road

Branford, CT 06405

(203) 3157806

HR@branfordschools.org

~~Anyone~~ Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District



facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or expression, sexual orientation or pregnancy may contact the Board's District's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's District's Section 504/ADA Coordinator:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

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

Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

Americans with Disabilities Act, 42 U.S.C. § 12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794

Connecticut General Statutes § 11-11, "Gender Identity or

Expression" defined

Connecticut General Statutes § 20-203

Connecticut General Statutes § 45a, Definitions



Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

Connecticut General Statutes § 46a-81a, Sexual orientation discrimination: Definitions

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment

Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 22-82, “An Act Concerning Online Dating Operators, the Creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence.”

ADOPTED: 10-19-2022

REVISED:

5/4/2023



Community/Board Operation

1000 R

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (COMMUNITY MEMBERS)

Protected Class Discrimination Prohibited:

It is the policy of the Branford Board of Education (the "Board") that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status is forbidden, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class") is prohibited in the Branford Public Schools (the "District"), whether by students, Board employees, Board members or third parties subject to the control of the Board. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and other community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.



The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Alleged Discrimination/Harassment of Students or Employees:

Complaints of alleged discrimination and/or harassment of students and/or personnel will be investigated in accordance with the anti-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of a student or an employee based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4650 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)* or Policy 5250 *Title IX Sex Discrimination and Sexual Harassment (Students)*. Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy 4625 *Section 504/ADA (Personnel)* or Board Policy 5125 *Section 504/ADA (Students)*.

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex,



sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

Any individual who believes that they or another individual, has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non Discrimination/Community.

Complaint Procedure

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.

As soon as an individual feels that they, or another individual has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent, or designee.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event reported conduct allegedly violates more



than one policy, the Board will coordinate an investigation in compliance with the applicable policies, laws and regulations.

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 discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) 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, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form, or request the assistance of a District administrator to do so.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) under this complaint procedure, the Superintendent or 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 reporter (if different from the complainant), the alleged “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/or other extenuating circumstances. Confidentiality will

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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 or harassment of a community member, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. 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 reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if



any) shall be notified of any extension of the investigation timeline. 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 employees 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 sub-paragraph 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 discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party 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 proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Member Complaints:

Any district administrator or Board member who receives a complaint of discrimination, harassment or retaliation of a community member by a Board Member and/or the Superintendent shall forward the complaint promptly to the BPS Human Resources Manager HR@branfordschools.org. Complaints pertaining to the



Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a community member, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- (a) In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extracurricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- (b) In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- (c) In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;



- (d) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- (e) Supports for the complainant; and
- (f) Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members, and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's No Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination and harassment.

Reporting to State and Federal Agencies:

A complainant alleging discrimination or harassment may file a formal complaint with the Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER: 617-289-0111).

A complainant may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER: 860-541-3400).

An employee alleging discrimination or harassment related to their employment may also file a complaint with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER: 800-669-4000).

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations; OR
2. ~~Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact;~~ wishes to request or discuss accommodations based on religion, may contact; OR



3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any building administrator or the following District official:

Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity or expression, sexual orientation, or pregnancy may contact the District's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the District's Section 504/ADA Coordinator:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Revised: 11.28.23

DISCRIMINATION/HARASSMENT COMPLAINT FORM



(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Relationship of reporter to the District _____

Name of the alleged complainant/victim _____

Relationship of alleged complainant/victim to the District _____

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: _____

COMMITTEE DEC 13 2023



Community/Board Operation

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NON-DISCRIMINATION

It is the policy of the Branford Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Branford Public Schools (“the District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics, school-sponsored activities, as well as the district website. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

Definitions:

The following definitions apply for purposes of this policy:



A. **Discrimination:** Discrimination in violation of this policy occurs when an individual is denied participation in, or the benefits of, a program or activity of the Board because of such individual's actual or perceived membership in a Protected Class.

B. **Harassment:** Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

~~Although not an exhaustive list, the following are~~The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment ~~that~~and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board policy. For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:



BPS District Title IX Coordinator
Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-7816

C. “Gender identity or expression” refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

D. Sexual orientation: Sexual orientation refers to a person’s identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

ED. “Veteran” means any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. “Qualifying condition” means (A) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (B) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (C) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

FE. Race: the term is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.



GF. Domestic violence: Domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Alleged Discrimination/Harassment of Students or Employees:

H. Reporting:

~~It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. ¶~~

~~¶~~

~~Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the building principal, or if more appropriate, the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/ Community which accompany this policy, and are available online at www.branfordschools.org or upon request from the main office of any District school. ¶~~

~~¶~~

Complaints of alleged discrimination and/or harassment of students and/or employees will be investigated in accordance with the non-discrimination policies



applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability-based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of an employee or of a student based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4650 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)* or Policy 5250 *Title IX Sex Discrimination and Sexual Harassment (Students)*. Complaints involving allegations of discrimination or harassment of an employee or of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 4625 *Section 504/ADA (Personnel)* or Policy 5125 *Section 504/ADA (Students)*. ~~In event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.~~

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g., an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.



Any individual who believes a community member has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Community, which accompany this policy, and are available online at www.branfordschools.org or upon request from the main office of any District school.

Reporting to State and Federal Agencies:

In addition to reporting to District officials in accordance with this policy, individuals may also file a complaint with the following agencies:

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>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Equal Employment Opportunity Commission (employees only):

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

Questions/Requests for Accommodation:

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Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations; OR
2. wishes to request or discuss accommodations based on religion; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment;

may contact any District administrator or the following District official:

Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

~~Anyone~~Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or expression, sexual orientation or pregnancy may contact the Board's District's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities)~~Anyone~~ who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the ~~Board's~~District's~~Board's~~ Section 504/ADA Coordinator:

Director of Student Services



Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”
defined
Connecticut General Statutes § 27-103

Connecticut General Statutes § 46a-51, Definitions
Connecticut General Statutes § 46a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General
Statutes § 46a-60
Connecticut General Statutes § 46a-81a, Sexual orientation
discrimination: Definitions
Connecticut General Statutes § 46a-81c, Sexual orientation
discrimination: Employment
Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 22-82, “An Act Concerning Online Dating Operators,
the Creation of a Grant Program to Reduce Occurrences of Online
Abuse and the Provision of Domestic Violence Training and
Protections for Victims of Domestic Violence.”

ADOPTED: 10-19-2022

REVISED:

5/4/2023



Community/Board Operation

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ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (COMMUNITY MEMBERS)

Protected Class Discrimination Prohibited:

It is the policy of the Branford Board of Education (the “Board”) that any form of discrimination or harassment on the basis of race,, religion, color, national origin, ancestry, alienage, sex, sexual orientation, marital status, age, disability, pregnancy, gender identity or expression, veteran status is forbidden, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”) is prohibited in the Branford Public Schools (the “District”), whether by students, Board employees, Board members or third parties subject to the control of the Board. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and ~~parties~~community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) ~~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 also the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

~~The following non-exhaustive list provides~~~~Although not an exhaustive list, the following are~~ examples of the types of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, ~~and are therefore prohibited:~~

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Alleged Discrimination/Harassment of Students or Employees:

¶
~~Any individual who believes an individual has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the building principal, or if more appropriate, the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination (Community).~~

Complaints of alleged discrimination and/or harassment of students and/or personnel will be investigated in accordance with the non-discrimination policies applicable to students and/or personnel respectively. Complaints pertaining to specific forms of discrimination and/or harassment, such as sexual harassment or disability based harassment, have specific policies and procedures applicable to these forms of harassment and will be investigated in accordance with the specific procedures for such issues. If a complaint involves allegations of discrimination or harassment of a student or an employee based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth



in Board Policy 4650 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)* or Policy 5250 *Title IX Sex Discrimination and Sexual Harassment (Students)*. Complaints involving allegations of discrimination or harassment based on disability will be addressed in accordance with the procedures set forth in Board Policy 4625 *Section 504/ADA (Personnel)* or Board Policy 5125 *Section 504/ADA (Students)*. ~~In the event report conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.~~

Alleged Discrimination/Harassment of Community Members on the Basis of Sex:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the complaint shall be referred to the District's Title IX Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Alleged Discrimination/Harassment of Community Members on the Basis of Disability:

In the event the District receives a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) based on disability, the complaint shall be referred to the District's Section 504/ADA Coordinator, who shall take steps designed to ensure that applicable state and federal law are followed.

Reporting to District Officials:

Any individual who believes that they, or another individual, has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Community.

Complaint Procedure

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 Protected Class harassment or discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.~~ ¶¶

¶¶

~~The District will periodically provide staff development for District administrators and periodically distribute this policy and the implementing administrative regulations to employees and students in an effort to maintain an environment free of discrimination and harassment.~~ ¶¶

¶¶

Complaint Procedure

As soon as an individual feels that they, or another individual has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent, or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation.~~ ¶¶

¶¶

~~If any party to the complaint involving the Superintendent or Board member is not satisfied with the findings and conclusions of an investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair (or, if presented by the Board Chair, to the Board Vice Chair), who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation.~~ ¶¶

The individual who is alleged to have experienced Protected Class discrimination/harassment (the “complainant”) and any individual accused of Protected Class discrimination/harassment (the “respondent”) (if applicable) will be provided a copy of the Board’s policy and regulation and made aware of the individual’s rights under this policy and regulation. In the event reported conduct allegedly violates more than one policy, the Board will coordinate an investigation in compliance with the applicable policies, laws and regulations.~~the Superintendent or designee receives a~~



~~complaint alleging discrimination or harassment on the basis of sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Board Policy 4650 Sex Discrimination and Sexual Harassment in the Workplace (Personnel) or Policy 5250 Title IX Sex Discrimination and Sexual Harassment (Students). In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy 4625 Section 504/ADA (Personnel) or Policy 5125 Section 504/ADA (Students)).~~

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 discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee) 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, the employee receiving the oral complaint will either reduce the complaint to writing, ~~or~~ assist the individual with completing the written complaint form, or request the assistance of a District administrator to do so.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a community member (e.g. an individual affiliated with the District, accessing or seeking access to District facilities who is not a student or an employee)



under this complaint procedure, the Superintendent or 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 reporter (if different from the complainant), the alleged ~~discriminator/harasser~~ (“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/or 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 or harassment of a community member, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board’s non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a



broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. “Consequences were imposed.”).

7. 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 reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent’s office. The complainant and respondent (if any) shall be notified of any extension of the investigation timeline. 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 employees 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 sub-paragraph 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 discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party 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 proposed actions within thirty (30)



business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Member Complaints:

Any district administrator or Board member who receives a complaint of discrimination, harassment or retaliation of a community member by a Board Member and/or the Superintendent shall forward the complaint promptly to the BPS Human Resources Manager at HR@branfordschools.org. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a community member, the District will take ~~appropriate~~ remedial action designed to: ~~eliminate the discriminatory/harassing conduct, prevent its recurrence, and address its effects on the complainant and any other affected individuals.~~

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- ~~(a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian or supervisor notification, discipline, counseling, or training. ¶~~
- ~~(b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination. ¶~~



- (c) ~~Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant. ¶¶~~
- (a) In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- (b) In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- (c) In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- (d) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- (e) Supports for the complainant; and
- (f) Training or other interventions for the larger school community designed to ensure that students, ~~staff, parents~~staff, and parents, Board members, and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination and harassment.

Reporting to State and Federal Agencies:

A complainant alleging discrimination or harassment may file a formal complaint with the Boston Office, Office for Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER: 617-289-0111).



A complainant may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER: 860-541-3400).

An employee alleging discrimination or harassment related to their employment may also file a complaint with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER: 800-669-4000).

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) who:

1. has questions or concerns about this policy or its accompanying regulations; OR
2. ~~Anyone who has questions or concerns about these regulations, and/or who may wish~~wishes to request or discuss accommodations based on religion, ~~may contact~~; OR
3. who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment:

may contact any building administrator or the following District official:

~~has questions or concern~~Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:¶¶

Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities)~~Anyone~~ who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of gender/sex, gender identity, or expression, sexual orientation, or pregnancy may contact the District's ~~Board's~~ Title IX Coordinator:



Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

Any parent, student, staff member, Board member or community member (e.g., other individual affiliated with the District, accessing or seeking access to District facilities) ~~Anyone~~ who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the ~~District's Board's~~ Section 504/ADA Coordinator:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

~~Adopted: October 19, 2022~~

Revised: 11.28.23

~~5/4/2023~~ ¶



DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, or status as a victim of domestic violence)

Name of the ~~reporter~~ ~~complainant~~ **complainant**

Relationship of reporter to the District

Name of the alleged complainant/victim

Relationship of alleged complainant/victim to the District

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: _____



Personnel

4600 P

NON-DISCRIMINATION

Protected Class Discrimination Prohibited:

The Branford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class,, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Discrimination on the Basis of Erased Criminal History Prohibited:

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46b-60a.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

It is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

The following nonexhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment and that lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or

- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 4650 *Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*. For more information regarding harassment based on sex, sexual orientation, or gender identity or expression, contact the District's Title IX Coordinator at:

BPS District Title IX Coordinator
 Assistant Superintendent
 185 Damascus Road
 Branford, CT 06405
 bpstitle9@branfordschools.org
 (203) 3157816.

C. Genetic Information

The genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

A "veteran" is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) a diagnosis of post traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 103(c), (d).

E. Gender identity or expression

“Gender identity or expression” refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

F. Sexual orientation

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

G. Race

The term “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

H. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e)

committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Reporting to District Officials

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non Discrimination/Personnel which accompany this policy and are available online at www.branfordschools.org or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy *4625 Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*

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 *4625 Section 504/ADA (Personnel)*

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class, when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator or to:

Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org

(203) 315-7816.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extracurricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and to report it.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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>

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)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodati

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination or harassment, should contact the following District official:

Human Resources Manager
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 3157806
HR@branfordschools.org

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/ sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

Any employee who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability, applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the Board's Section 504/ADA Coordinator:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008,
Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.
Connecticut General Statutes § 11-11, "Gender Identity or Expression"
defined
Connecticut General Statutes §-163, Discrimination on the basis of
sex, gender or expression or marital status prohibited
Connecticut General Statutes §-203
Connecticut General Statutes §-51i
Connecticut General Statutes § 45a, Definitions
Connecticut General Statutes 45a-58, Deprivation of rights
Connecticut Fair Employment Practices Act, Connecticut General
Statutes § 46-60
Connecticut General Statutes § 46a
Connecticut General Statutes § 46a, Sexual orientation
discrimination: Employment

Connecticut General Statutes § 46b-1, Family relations matters and
domestic violence defined
Public Act No. 22-82, “An Act Revising the State’s Antidiscrimination
Statutes”

ADOPTED: 10-19-2022
REVISED:

5/11/23

COMMITTEE DEC. 2023

ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (PERSONNEL)

Protected Class Discrimination Prohibited:

The Branford Board of Education (the "Board") will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression is forbidden, status as a victim of domestic violence, or any other basis prohibited by state or federal law ("Protected Class"), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual's actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools ("the District"). Students, Board employees, Board members 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.

Discrimination on the Basis of Erased Criminal History Prohibited:

It is also the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; OR
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4625 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*

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 4625 *Section 504/ADA (Personnel)*

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to:**

Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-7816.

Complaint Procedure

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.

As soon as an individual feels that they, or another employee has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the “complainant”) and any individual accused of Protected Class discrimination/harassment (the “respondent”) (if applicable) will be provided a

copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Board Policy ~~4650~~ *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*

In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy ~~4625~~ *Section 504/ADA (Personnel)*

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 discrimination or harassment of an employee 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, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form, or request that a District administrator assist the individual.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of an employee under this complaint procedure, the Superintendent shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so.

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 reporter (if different from the complainant), the 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/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, to the extent consistent with due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of an employee, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. 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 reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) 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 employees 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 sub-paragraph 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 discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If either a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party 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 proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Members Complaints:

Any District administrator or Board member who receives a complaint of discrimination, harassment or retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint promptly to the BPS Human Resources Manager at HR@branfordschools.org. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of an employee, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extracurricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members, and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's No Discrimination policies and the implementing administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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>

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)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 061031835
(860-541-3400 or Connecticut Toll Free Number 800-477-5737)

Questions/Requests for Accommodation:

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board's complaint procedures or complaint forms related to claims of discrimination or harassment

should contact the following District official:

Human Resources Manager
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 3157811
BPStitle9@branfordschools.org

Any employee who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the Board's Section 504/ADA Coordinator:

For accommodations:

Human Resources Manager
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 3157806
HR@branfordschools.org

For concerns about discrimination or harassment:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405

504-ADA@branfordschools.org

5/11/2023

COMMITTEE DEC. 2023



DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, genetic information, veteran status, or status as a victim of domestic violence)

Name of the reporter

Name of the alleged
victim/complainant

Relationship of reporter to the alleged
victim/complainant

Date of the complaint

Date of the alleged discrimination/harassment

Name or names of the alleged 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 _____

12/13/23

COMMITTEE DEC. 2023



Personnel

4600 P

NON-DISCRIMINATION

Protected Class Discrimination Prohibited:

The Branford Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class,, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Discrimination on the Basis of Erased Criminal History Prohibited:

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination

~~It~~~~With respect to employees,~~ it is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

B. Harassment

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

~~The~~ ~~Although not an exhaustive list,~~ the following non-exhaustive list ~~provides~~ ~~are~~ examples of the types of prohibited conduct that may be considered Protected Class harassment and ~~that can~~ lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;

- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy *4650 Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*. For more information regarding harassment based on sex, sexual orientation, or gender identity or expression, contact the District's Title IX Coordinator at:

BPS District Title IX Coordinator
Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-7816.

C. Genetic Information

The genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Veteran

A "veteran" is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (iA) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (iiB) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iiiC) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

E. Gender identity or expression

“Gender identity or expression” refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

F. Sexual orientation

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

G. Race

The term “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

H. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including,

but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes ~~they or another~~ employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel which accompany this policy and are available online at www.branfordschools.org or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy *4650 Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*.

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 *4625 Section 504/ADA (Personnel)*.

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class, when District employees witness ~~such incidents or when District employees receive or of which they have received~~ reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination,

harassment or retaliation in other forms. Reports should be made to any District administrator or to:

Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-7816.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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>

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)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. ~~Anyone who has questions or concerns about this policy, and/or who may wish~~ wishes to request or discuss accommodations based on religion; ~~OR; and/or~~
3. ~~who~~ would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment, should contact the following District official:
~~may contact.~~

Human Resources Manager
Branford Public Schools

185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

~~Any employee~~ ~~Anyone~~ who has questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of gender/sex/~~gender identity~~, or sexual orientation/pregnancy/gender identity or expression applicable to employees ~~should~~ ~~may~~ contact the ~~District's~~ ~~Board's~~ Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

~~Any employee~~ ~~Anyone~~ who:

1. has specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability, applicable to employees; OR ~~and/or who may wish to request or discuss accommodations for a disability, may~~
2. wishes to request an accommodation on the basis of disability

should contact the Board's Section 504/ADA Coordinator:

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.
Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.
Americans with Disabilities Act, 42 U.S.C. § 12101
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
Title II of the Genetic Information Nondiscrimination Act of 2008,
Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined

Connecticut General Statutes § 10-153, Discrimination on the basis of sex, gender or expression or marital status prohibited

Connecticut General Statutes § 27-103

Connecticut General Statutes § 31-51i

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60

Connecticut General Statutes § 46a-80a

~~Connecticut General Statutes § 46a-81a, Sexual orientation discrimination: Definitions~~

Connecticut General Statutes § 46a-81c, Sexual orientation discrimination: Employment

Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 22-82, “An Act Revising the State’s Antidiscrimination Statutes” ~~Concerning Online Dating Operators, the Creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence”~~

ADOPTED: 10-19-2022

REVISED:

5/11/23

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (PERSONNEL)**

Protected Class Discrimination Prohibited:

The Branford of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression is forbidden, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (“the District”). Students, Board employees, Board members 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.

Discrimination on the Basis of Erased Criminal History Prohibited:

It is also the express policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual's association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

The following non-exhaustive list provides ~~Although not an exhaustive list, the following are~~ examples of the types of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; OR
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

Any employee who believes ~~they or another~~an employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the BPS Human Resources Manager at HR@branfordschools.org in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in Board Policy 4650 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*.

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 4625 *Section 504/ADA (Personnel)*.

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator or to:

[IDENTIFY APPROPRIATE PERSONNEL].

Complaint Procedure

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 Protected Class discrimination or harassment. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.~~¶

¶

~~The District will periodically provide staff development for District administrators and periodically distribute the Non-Discrimination policy and the implementing administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.~~

~~¶~~

Complaint Procedure

As soon as an individual feels that they, or another employee has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.~~

The individual who is alleged to have experienced Protected Class discrimination/harassment (the "complainant") and any individual accused of Protected Class discrimination/harassment (the "respondent") (if applicable) will be provided a copy of the Board's policy and regulation and made aware of the individual's rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Board Policy 4650 *Sex Discrimination and Sexual Harassment in the Workplace (Personnel)*.

In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in Board Policy 4625 *Section 504/ADA (Personnel)*.

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 discrimination or harassment of an employee 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, the employee receiving the oral complaint will either reduce the complaint to writing, ~~or~~ assist the individual with completing the written complaint form, or request that a District administrator assist the individual.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of an employee under this complaint procedure, the Superintendent ~~or designee~~ shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so.

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 reporter (if different from the complainant), the 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/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, to the extent consistent with due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of an employee, 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, the complexity of the investigation, and/or other extenuating circumstances) to

- discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
 3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
 4. Review any records, notes, statements, or other documents relevant to the complaint;
 5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
 6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
 7. 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 reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) 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 employees 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 sub-paragraph 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 discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If either a complainant or respondent is not satisfied with the findings and conclusions of the investigation, such party 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 proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Complaint Procedure for Superintendent/Board Members Complaints:

Any District administrator or Board member who receives a complaint of discrimination, harassment or retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint promptly to the BPS Human Resources Manager at HR@branfordschools.org. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such steps may include retention of an independent investigator different from the investigator who investigated the complaint.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of an employee, the District will take appropriate remedial action designed to: ~~1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:~~

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- ~~(a) Interventions for the individual who engaged in the discrimination/harassment, such as supervisor notification, discipline, or training. ¶¶~~
- ~~D~~(b) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. ~~(c)~~ Training or other interventions for the larger school community designed to ensure that students, staff, ~~and~~ parents, Board members, and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing

administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any employee also may file a complaint with the following:

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>

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)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any employee who:

~~Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:~~ ¶

- ~~1. has questions or concerns about this policy or its accompanying regulations;~~
- ~~2. wishes to request or discuss accommodations based on religion; OR~~
- ~~3. would like a copy the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment~~

should contact the following District official:

4.

Human Resources Manager
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

~~Any employee~~ Anyone who has questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of gender/sex/, ~~gender identity, or sexual orientation/~~ pregnancy/gender identity or expression applicable to employees ~~should~~ may contact the ~~District Board's~~ Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

~~Any employee~~ Anyone who:

1. has specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability, ~~and/or who may wish to request or discuss accommodations for a disability, may~~ applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the Board's Section 504/ADA Coordinator:

For accommodations:

Human Resources Manager
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

For concerns about discrimination or harassment:

Director of Student Services
Department of Student Services
12 Melrose Avenue

Branford, CT 06405
504-ADA@branfordschools.org

5/11/2023



DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, genetic information, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Name of the alleged victim/complainant _____

Relationship of reporter to the alleged victim/complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the alleged 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 _____

5/11/2023



Students

5000P

NON-DISCRIMINATION (STUDENTS)

Protected Class Discrimination Prohibited:

The Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.



It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.



I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student's actual or perceived membership in a Protected Class.

B. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

~~The following non-exhaustive list provides~~ ~~Although not an exhaustive list, the following are~~ examples of the types of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5250, Policy Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-1786

C. Veteran:

A “veteran” is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. “Qualifying condition” means (i~~A~~) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii~~B~~) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii~~C~~) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

“Gender identity or expression” refers to a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

E. Sexual Orientation:

Sexual orientation refers to a person’s identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

FE. Race:

The term “race” is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. “Protective hairstyles” includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

GF. Domestic Violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. “Coercive control” includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

In response to requests from many of our clients, Shipman has developed the language below to in order to address incidents of biased conduct and/or communications by students. Please note that bias in this context is not currently defined by law, except when such bias raises to the level of unlawful discrimination and/or harassment. That said, it is commonly acknowledged that incidents of bias may be precursors to discriminatory and/or harassing conduct. Boards that wish to explicitly include reference to bias in this policy may utilize the language below in order to acknowledge the concerns presented regarding bias:

Biased Conduct:

The Board recognizes that certain student conduct or communications may be indicative of bias towards individuals who are members of a Protected Class, even when such conduct or communications do not rise to the level of discrimination and/or harassment. The Board directs the District administration to address any such biased conduct or communications in a manner consistent with the Board's legal obligations under state and federal law and Board policy, including free speech considerations, in order to promote a school environment that is welcoming and safe for all individuals.]

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the Building Principal or designee in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students which accompany this policy and are available online at www.branfordschools.org or upon request from the main office of any District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee.

If a complaint involves allegations of discrimination or harassment of a student based on reasons such as sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with procedures set forth in Board Policy 5250 Title IX Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5125 Section 504/ADA (Students)). In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with all applicable policies.

Mandatory Staff Reporting for Student Incidents:

-
District employees are required to report incidents of alleged student-to-student and ~~employee~~ staff-to-student discrimination, harassment or retaliation that may be based on a Protected Class ~~when that~~ District employees witness ~~or of which they have~~

received such incidents or when District employees reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to the Building Principal or designee.

¶

~~Students found to have engaged in acts of discrimination or harassment that create a hostile environment based on a Protected Class may be disciplined, and such discipline may include, when circumstances warrant, suspension or expulsion.¶~~

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District ~~staff members and administrators~~~~employees and administration~~ will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

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>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has questions or concerns about this policy, and/or who may wish~~ or its accompanying regulations;
2. wishes to request or discuss accommodations for a student based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment;

may contact:



~~Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:~~

Assistant Superintendent
Branford Public Schools

185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Anyone parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, pregnancy or sexual orientation may contact the ~~District's Board's~~ Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has~~ specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability; ~~and/or who may wish to request or discuss accommodations for a disability,~~ applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the ~~Board's~~ District's Section 504/ADA Coordinator:

~~Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905

Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.

Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined

Connecticut General Statutes § 10-15c

Connecticut General Statutes § 27-103

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

~~Connecticut General Statutes § 46a-81a, et seq.~~¶

Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 22-82, “An Act Revising the State’s Antidiscrimination Statutes” ~~Concerning Online Dating Operators, the Creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence~~”

ADOPTED: ~~10-19-2022~~¶

REVISED:

12.13.235/2/2023

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (STUDENTS)**

Protected Class Discrimination Prohibited:

The Branford Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”).

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities)

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 also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

The following non-exhaustive list provides examples ~~Although not an exhaustive list, the following are examples~~ of the type of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Reporting to District Officials:

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the Building Principal or designee in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students.

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression such complaints will be handled in accordance with the procedures set forth in Board Policy 5250 Title IX Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with procedures set forth in Board Policy 5125 Section 504/ADA (Students)). In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Students are encouraged to immediately report any concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee.

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. 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 Protected Class harassment or discrimination. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.¶¶~~

~~¶¶~~

~~The District will periodically provide staff development for District administrators and periodically distribute the Non-Discrimination policy and the implementing administrative regulations to employees and students in an effort to maintain an environment free of discrimination and harassment.¶¶~~

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator or to:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405

Complaint Procedure

As soon as a student feels that they, or another student, has been subjected to Protected Class discrimination, ~~or harassment,~~ or retaliation the individual should make a written complaint to Assistant Superintendent, Branford Public Schools, 185 Damascus Road, Branford, CT 06405 or to the building principal, or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair (or, if presented by the Board Chair, the Board Vice Chair), who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. ¶¶~~

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee. School employees receiving such reports shall promptly forward them to any District administrator or to:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the building principal or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy or gender identity or expression, the building principal or designee shall follow the procedures identified in Board Policy 5250P *Title IX Sex Discrimination and Sexual Harassment (Students)*. In the event the building principal or designee receives a complaint alleging discrimination or harassment based on disability, the building principal or designee shall follow the procedures identified in Board Policy 5125P *Section 504/ADA (Students)*.

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 student and/or parent/guardian or other individual who makes an oral complaint of discrimination or harassment of a student to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the school employee administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form or ask a District administrator for assistance in doing so.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a student under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to 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 individual alleged to have experienced Protected Class discrimination and/or harassment (the “complainant”), the reporter (if different from the complainant), the alleged discriminator/harasser (“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/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with the principles of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of a student, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;

2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witness or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. 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 employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 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 discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;

10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) 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 complainant (and/or respondent, if applicable), 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 the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take ~~appropriate~~ remedial action designed to ~~1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:~~

~~(a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian notification, discipline, or counseling.~~

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

¶

~~(b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination. ¶~~

~~(c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant. ¶~~

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who

engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- ~~D.(d)~~ Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- E. Supports for the complainant; and
- F. ~~(e)~~ Training or other interventions for the larger school community designed to ensure that students, staff, ~~and~~ parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination, harassment and retaliation.

Reporting to State and Federal Agencies:

Any student and/or parent/guardian 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>

Any student and/or parent/guardian 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
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who~~ has questions or concerns about ~~thesethis policy or its accompanying regulations;~~ this policy or its accompanying regulations;
2. ~~and/or who may wish~~wishes to request or discuss accommodations ~~for a student based on religion;~~ for a student based on religion;

may contact:

~~Anyone who has questions or concerns about these regulations, and/or who may wish to request or discuss accommodations based on religion, may contact:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Any~~Anyone~~ parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
bpstitle9@branfordschools.org

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has~~ specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability; ~~and/or who may wish to request or discuss accommodations for a disability, applicable to students; OR~~
2. wishes to request an accommodation for a student on the basis of disability

may contact the ~~Board's~~District's Section 504/ADA Coordinator:

~~Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

~~12.13.235/2/2023~~

DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Name of the complainant/victim _____

School/program and grade of the complainant/victim _____

Reporter's Relationship to the complainant/victim _____

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 _____

12.13.23¶
~~5/2/2023¶~~



Students

5000P

NON-DISCRIMINATION (STUDENTS)

Protected Class Discrimination Prohibited:

The Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, including all academic, extra-curricular, and school-sponsored activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.



It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.



I. Definitions:

The following definitions apply for purposes of this policy:

A. Discrimination:

With respect to students, unlawful discrimination occurs when a student is denied participation in, or the benefits of, a program or activity of the Board because of such student's actual or perceived membership in a Protected Class.

B. Harassment:

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment constitutes unlawful discrimination when it creates a hostile environment, which occurs when the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by the District.

~~The following non-exhaustive list provides~~ ~~Although not an exhaustive list, the following are~~ examples of the types of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy 5250, Policy Regarding Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

Assistant Superintendent
185 Damascus Road
Branford, CT 06405
bpstitle9@branfordschools.org
(203) 315-1786

C. Veteran:

A “veteran” is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. “Qualifying condition” means (i~~A~~) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii~~B~~) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii~~C~~) a determination that sexual orientation, gender identity or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

D. Gender identity or expression:

“Gender identity or expression” refers to a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

E. Sexual Orientation:

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

FE. Race:

The term "race" is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

GF. Domestic Violence:

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

In response to requests from many of our clients, Shipman has developed the language below to in order to address incidents of biased conduct and/or communications by students. Please note that bias in this context is not currently defined by law, except when such bias raises to the level of unlawful discrimination and/or harassment. That said, it is commonly acknowledged that incidents of bias may be precursors to discriminatory and/or harassing conduct. Boards that wish to explicitly include reference to bias in this policy may utilize the language below in order to acknowledge the concerns presented regarding bias:

Biased Conduct:

The Board recognizes that certain student conduct or communications may be indicative of bias towards individuals who are members of a Protected Class, even when such conduct or communications do not rise to the level of discrimination and/or harassment. The Board directs the District administration to address any such biased conduct or communications in a manner consistent with the Board's legal obligations under state and federal law and Board policy, including free speech considerations, in order to promote a school environment that is welcoming and safe for all individuals.]

Reporting to District Officials:

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the Building Principal or designee in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Students which accompany this policy and are available online at www.branfordschools.org or upon request from the main office of any District school. Students are encouraged to immediately report concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee.

If a complaint involves allegations of discrimination or harassment of a student based on reasons such as sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with procedures set forth in Board Policy 5250 Title IX Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with the procedures set forth in Board Policy 5125 Section 504/ADA (Students)). In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with all applicable policies.

Mandatory Staff Reporting for Student Incidents:

-
District employees are required to report incidents of alleged student-to-student and ~~employee~~ staff-to-student discrimination, harassment or retaliation that may be based on a Protected Class ~~when that District employees witness or of which they have~~

received such incidents or when District employees reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to the Building Principal or designee.

¶

~~Students found to have engaged in acts of discrimination or harassment that create a hostile environment based on a Protected Class may be disciplined, and such discipline may include, when circumstances warrant, suspension or expulsion.¶~~

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District ~~staff members and administrators~~~~employees and administration~~ will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation

Reporting to State and Federal Agencies:

In addition to reporting to the Board, any student and/or parent/guardian also may file a complaint with the following agencies:

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>

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities
450 Columbus Blvd.
Hartford, CT 06103-1835
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has questions or concerns about this policy, and/or who may wish~~ or its accompanying regulations;
2. wishes to request or discuss accommodations for a student based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment;

may contact:

¶

~~Anyone who has questions or concerns about this policy, and/or who may wish to request or discuss accommodations based on religion, and/or who would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment, may contact:~~

Assistant Superintendent
Branford Public Schools

185 Damascus Road
Branford, CT 06405
(203) 315-7806
HR@branfordschools.org

Anyone parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, pregnancy or sexual orientation may contact the ~~District's Board's~~ Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
BPStitle9@branfordschools.org

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has~~ specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability; ~~and/or who may wish to request or discuss accommodations for a disability,~~ applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the ~~Board's~~ District's Section 504/ADA Coordinator:

~~Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Legal References:

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

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905

Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.

Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined

Connecticut General Statutes § 10-15c

Connecticut General Statutes § 27-103

Connecticut General Statutes § 46a-51, Definitions

Connecticut General Statutes § 46a-58, Deprivation of rights

~~Connecticut General Statutes § 46a-81a, et seq.~~¶

Connecticut General Statutes § 46b-1, Family relations matters and domestic violence defined

Public Act No. 22-82, “An Act Revising the State’s Antidiscrimination Statutes” ~~Concerning Online Dating Operators, the Creation of a Grant Program to Reduce Occurrences of Online Abuse and the Provision of Domestic Violence Training and Protections for Victims of Domestic Violence~~”

ADOPTED: ~~10-19-2022~~¶

REVISED:

12.13.235/2/2023

**ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION
COMPLAINTS (STUDENTS)**

Protected Class Discrimination Prohibited:

The Branford Board of Education (the “Board”) complies with all laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, on the basis of any protected characteristic (or protected class) including race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, ancestry, disability, pregnancy, gender identity or expression, veteran status, status as a victim of domestic violence or any other basis prohibited by state or federal law (“Protected Class”), subject to the conditions and limitations established by law. When the Board has created a limited public forum, the Board shall provide equal access to the Boy Scouts and other groups as required by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Branford Public Schools (the “District”).

Retaliation Prohibited:

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

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

Discrimination on the Basis of Protected Class Association Prohibited:

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

Scope and Applicability:

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities)

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 also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

The following non-exhaustive list provides examples ~~Although not an exhaustive list, the following are examples~~ of the type of prohibited conduct that may be considered Protected Class harassment ~~that~~ and can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful, or humiliating based on Protected Class membership;
- bigoted conduct or communications; or
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Reporting to District Officials:

Any student, staff member and/or parent/guardian who believes a student has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the Building Principal or designee in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Students.

If a complaint involves allegations of discrimination or harassment of a student based on sex, sexual orientation, pregnancy, or gender identity or expression such complaints will be handled in accordance with the procedures set forth in Board Policy 5250 Title IX Sex Discrimination and Sexual Harassment (Students). Complaints involving allegations of discrimination or harassment of a student based on disability will be addressed in accordance with procedures set forth in Board Policy 5125 Section 504/ADA (Students)). In the event reported conduct allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

Students are encouraged to immediately report any concerns about Protected Class discrimination, harassment, or retaliation.

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee.

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. 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 Protected Class harassment or discrimination. The Board further prohibits reprisal or retaliation against any individual who participates in the investigation of reports of alleged Protected Class harassment/discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate. ¶¶~~

~~¶¶~~

~~The District will periodically provide staff development for District administrators and periodically distribute the Non-Discrimination policy and the implementing administrative regulations to employees and students in an effort to maintain an environment free of discrimination and harassment. ¶¶~~

Mandatory Staff Reporting for Student Incidents:

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. Reports should be made to any District administrator or to:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405

Complaint Procedure

As soon as a student feels that they, or another student, has been subjected to Protected Class discrimination, ~~or harassment,~~ or retaliation the individual should make a written complaint to Assistant Superintendent, Branford Public Schools, 185 Damascus Road, Branford, CT 06405 or to the building principal, or designee.

~~Complaints pertaining to the Superintendent should be filed with the Board Chair. Complaints pertaining to any Board members other than the Board Chair should be filed with the Board Chair. Complaints pertaining to the Board Chair should be filed with the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the Board's non-discrimination policy and regulation. If any party to the complaint involving the Superintendent or a Board member is not satisfied with the findings and conclusions of the investigation, within (30) calendar days of receiving the findings, such party may present the complaint and written outcome to the Board Chair (or, if presented by the Board Chair, the Board Vice Chair), who will take appropriate steps, such as retaining an independent investigator different from the investigator who investigated the complaint, to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. ¶¶~~

Students may make verbal or written reports about Protected Class discrimination, harassment, or retaliation to any school employee. School employees receiving such reports shall promptly forward them to any District administrator or to:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405

The student and/or parent/guardian or other individual will be provided a copy of the Board's policy and regulation and made aware of the student's rights under this policy and regulation. In the event the building principal or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy or gender identity or expression, the building principal or designee shall follow the procedures identified in Board Policy 5250P *Title IX Sex Discrimination and Sexual Harassment (Students)*. In the event the building principal or designee receives a complaint alleging discrimination or harassment based on disability, the building principal or designee shall follow the procedures identified in Board Policy 5125P *Section 504/ADA (Students)*.

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 student and/or parent/guardian or other individual who makes an oral complaint of discrimination or harassment of a student to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the school employee administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form or ask a District administrator for assistance in doing so.

All complaints are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of a student under this complaint procedure, the Superintendent shall designate a District administrator (or other trained individual) to 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 individual alleged to have experienced Protected Class discrimination and/or harassment (the “complainant”), the reporter (if different from the complainant), the alleged discriminator/harasser (“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/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible to the extent consistent with the principles of due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of a student, 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, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;

2. Provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witness or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall be notified of any extension of the investigation timeline. 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 employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see sub-paragraph 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 discrimination or harassment. Corrective action should include steps designed to avoid continuing discrimination or harassment;

10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) 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 complainant (and/or respondent, if applicable), 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 the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

Remedial Action:

If the District makes a finding of discrimination, harassment or retaliation of a student, the District will take ~~appropriate~~ remedial action designed to ~~1) eliminate the discriminatory/harassing conduct, 2) prevent its recurrence, and 3) address its effects on the complainant and any other affected individuals. Examples of appropriate action may include:~~

~~(a) Interventions for the individual who engaged in the discrimination/harassment, such as parent/guardian notification, discipline, or counseling.~~

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

~~ff~~

~~(b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination. ff~~

~~(c) Separating the complainant and the individual who engaged in the discrimination/harassment, provided the separation does not penalize the complainant. ff~~

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who

engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;

- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- ~~D.(d)~~ Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation.
- E. Supports for the complainant; and
- F. ~~(e)~~ Training or other interventions for the larger school community designed to ensure that students, staff, ~~and~~ parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

District staff members and administrators will work with students and parents/guardians to take steps designed to prevent acts of discrimination, harassment and retaliation.

Staff Development:

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff, students and parents in an effort to maintain an environment free of discrimination, harassment and retaliation.

Reporting to State and Federal Agencies:

Any student and/or parent/guardian 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>

Any student and/or parent/guardian 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
(860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

Questions/Requests for Accommodation:

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who~~ has questions or concerns about ~~these~~this policy or its accompanying regulations;~~;~~
2. ~~and/or who may wish~~wishes to request or discuss accommodations for a student based on religion;~~;~~

may contact:

~~Anyone who has questions or concerns about these regulations, ||
and/or who may wish to request or discuss accommodations based on religion, may
contact:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

Any~~Anyone~~ parent, student, staff member, Board member or community member who has questions or concerns about the Board's policies regarding discrimination or harassment of students on the basis of gender/sex, gender identity, or sexual orientation may contact the Board's Title IX Coordinator:

Assistant Superintendent
Branford Public Schools
185 Damascus Road
Branford, CT 06405
(203) 315-7811
bpstitle9@branfordschools.org

Any parent, student, staff member, Board member or community member who:

1. ~~Anyone who has~~ specific questions or concerns about the Board's policies regarding discrimination ~~or harassment~~ on the basis of disability; ~~and/or who may wish to request or discuss accommodations for a disability,~~ applicable to students; OR
2. wishes to request an accommodation for a student on the basis of disability

may contact the ~~Board's~~District's Section 504/ADA Coordinator:

~~Anyone who has questions or concerns about the Board's policies regarding discrimination or harassment on the basis of disability, and/or who may wish to request or discuss accommodations for a disability, may contact the Board's Section 504/ADA Coordinator:~~

Director of Student Services
Department of Student Services
12 Melrose Avenue
Branford, CT 06405
504-ADA@branfordschools.org

~~12.13.235/2/2023~~

DISCRIMINATION/HARASSMENT COMPLAINT FORM
(For complaints based on race, color, religion, age, marital status, national origin, alienage, ancestry, veteran status, or status as a victim of domestic violence)

Name of the reporter _____

Name of the complainant/victim _____

School/program and grade of the complainant/victim _____

Reporter's Relationship to the complainant/victim _____

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 _____

12.13.23¶
~~5/2/2023¶~~