

## **Students**

### **Nondiscrimination**

#### **Racial Harassment of Students**

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial\* discrimination, including harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of unwelcomed treatment on the basis of race and is recognized in two different forms:

1. when conduct towards a student that is based on race has a negative impact on the well-being of the student, whether that conduct is performed by other students within an educational setting or by district employees or their agents when acting within the scope of their official duties.
2. when the educational environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses. Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken promptly. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board or any district staff member, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The Diversity Compliance Coordinator, in collaboration with the Superintendent and District Administrative Team, is directed to support the development and implementation of specific procedures on reporting, investigating, and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment. Training programs shall be established to raise awareness of the issues surrounding racial harassment and to implement preventative measures to help reduce incidents of racial harassment. Through yearly staff and student development efforts, members of the school community will review district protocols in identifying and reporting instances of bullying and harassment, as well as the disciplinary measures when such behaviors occur.

## **Students**

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#### **Racial Harassment of Students (continued)**

**\*For the sake of simplicity and clarity, the term “race” shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI – that is, race, color, and national origin.**

#### **Reporting Incidents of Bullying, Harassment, and Racism**

Students and staff are expected to report any incidents of bullying, harassment, or racism that occur on school grounds, during after school activities, or during off campus school events. School personnel are required to follow appropriate protocols for handling issues brought forward, including reporting incidents to school administrators who are responsible for investigating incidents and employing appropriate disciplinary measures consistent with school policy. Students in grades K-12 are encouraged to reach out to trusted adults when they either witness or experience issues related to bullying, harassment, and racism. An Anonymous Alert app is available to students in grades 9-12 for students to report issues of concern confidentially.

A summary of all such incidents and their dates of resolutions shall be included in the annual report required as outlined in Policy 0523.

#### **False Reporting**

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and student disciplinary policies.

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Policy adopted: November 4, 2020

NEWTOWN PUBLIC SCHOOLS

## **Students**

### **Nondiscrimination**

#### **Racial Harassment of Students**

A student can be subject to racial\* harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. The following are examples of incidents which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating black students more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

#### **Procedures**

The Board of Education shall designate a Compliance Officer to carry out the district's responsibilities for redressing grievances pursuant to policy 5145.6, Student Grievance Procedures. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of both designees and of the grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

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

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

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### **Nondiscrimination**

#### **Racial Harassment of Students**

##### **Procedures (continued)**

**Students who believe they have been subjected to racial harassment are to report the incident to the Diversity Compliance Coordinator or the second designee as described above. The Diversity Compliance Coordinator or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.**

##### **Investigation of a Complaint**

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation.

##### **Informal Complaints**

In addition to notification to the Compliance Officer or the alternate designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Diversity Compliance Coordinator will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Diversity Compliance Coordinator is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Diversity Compliance Coordinator's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Diversity Compliance Coordinator is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Diversity Compliance Coordinator may impose further disciplinary action. Thereafter, the Building Principal or Diversity Compliance Coordinator is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

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#### **Racial Harassment of Students**

##### **Informal Complaints** (continued)

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The Building Principal or Diversity Compliance Coordinator is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Diversity Compliance Coordinator informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Diversity Compliance Coordinator is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

##### **Formal Complaints**

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Diversity Compliance Coordinator originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Diversity Compliance Coordinator reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

## **Students**

### **Nondiscrimination**

#### **Racial Harassment of Students (continued)**

#### **Remedial Action**

If the investigation reveals that racial harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no racial harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of racial harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

#### **Post Remedial Action**

Following a finding of harassment, victims will be periodically interviewed by the appropriate Building Principal or Diversity Compliance Coordinator to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

#### **Complaint Records**

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Diversity Compliance Coordinator concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

#### **Investigation in the Absence of a Complaint**

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any racial harassment.

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#### **Racial Harassment of Students** (continued)

(cf. 0521 - Equal Opportunity - Nondiscrimination)

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(cf. 5114 - Suspension/Expulsion/Due Process)

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(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**Harassment Complaint Form**

Name: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_

Who was responsible for the harassment? \_\_\_\_\_

Describe the harassment: \_\_\_\_\_

\_\_\_\_\_

*(attach additional pages if necessary)*

Date(s), time(s), and place (places) the harassment occurred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Where there other individuals involved in the harassment? \_\_\_\_\_

If so, name the individual(s) and what their role was \_\_\_\_\_

\_\_\_\_\_

Did anyone witness the harassment? \_\_\_\_\_ If so, name the witness(es) \_\_\_\_\_

\_\_\_\_\_

What was your reaction to the harassment? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any prior incidents \_\_\_\_\_

Signature of Complainant or Parents/Legal Guardian

copy: Student/Parents

\_\_\_\_\_ **PUBLIC SCHOOLS**  
\_\_\_\_\_, **Connecticut**

**REPORT OF RACIAL HARASSMENT**

This form is to be used by any employee or student who has either observed or been subject to racial harassment. To insure full investigation, it should be completed as accurately as possible. It is not, however, critical to be 100 percent precise. An investigation may require the complainant to be interviewed.

Date: \_\_\_\_\_

Please Print

Name of complainant making a charge of racial harassment: \_\_\_\_\_

Address \_\_\_\_\_ of \_\_\_\_\_ complainant:  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Position or grade: \_\_\_\_\_

Names of individuals involved in the harassment and indicate whether they are students or employees: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Complainant's signature

Please see the \_\_\_\_\_ Board of Education's policy on Racial Harassment for more information on the topic. Present this Report to your most immediate supervisor not involved in the harassment.

\_\_\_\_\_  
Report Number

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT**

**Note:** If additional space is needed, please attach separate sheets as referenced by report number.

Name of complainant: \_\_\_\_\_

School and/or Position: \_\_\_\_\_

Nature of complaint \_\_\_\_\_ Student \_\_\_\_\_ Employee

Specific complaint: \_\_\_\_\_

\_\_\_\_\_

Date complaint filed: \_\_\_\_\_

Name(s) of Respondent \_\_\_\_\_ Date notified: \_\_\_\_\_

Respondent's answer \_\_\_\_\_ Agrees with the facts  
\_\_\_\_\_ Disagrees with the facts

Explanation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date complainant notified: \_\_\_\_\_

Complainant's response \_\_\_\_\_ Agrees with the facts  
\_\_\_\_\_ Disagrees with the facts

Explanation

**INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT**  
(continued)

| <b>Complainant's Witnesses</b> |                 |
|--------------------------------|-----------------|
| <b>Name</b>                    | <b>Position</b> |
|                                |                 |
|                                |                 |
|                                |                 |
|                                |                 |

\_\_\_\_\_ Date Interviewed: \_\_\_\_\_  
(name of witness)

\_\_\_\_\_ response:  
(name of witness)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date Interviewed: \_\_\_\_\_  
(name of witness)

\_\_\_\_\_ response:  
(name of witness)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

| <b>Respondent's Witnesses</b> |                 |
|-------------------------------|-----------------|
| <b>Name</b>                   | <b>Position</b> |
|                               |                 |
|                               |                 |
|                               |                 |

**INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT**  
(continued)

\_\_\_\_\_ Date Interviewed: \_\_\_\_\_  
(name of witness)

\_\_\_\_\_ response:  
(name of witness)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date Interviewed: \_\_\_\_\_  
(name of witness)

\_\_\_\_\_ response:  
(name of witness)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other records/documents reviewed:

|    | Name of Document | Date Reviewed |
|----|------------------|---------------|
| 1. | _____            | _____         |
| 2. | _____            | _____         |
| 3. | _____            | _____         |
| 4. | _____            | _____         |

Summary of Review of above records/documents:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Investigator's Summary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested Corrective Action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Investigator's Signature

\_\_\_\_\_  
Date