

**HARTFORD PUBLIC SCHOOLS**

**PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

	<b>Number</b>	<b>Policy or Regulation</b>
0. Certified Personnel		
A. Recruitment and Selection	4111/4211	P/R
(1) Affirmative Action: Equal Employment Opportunity	4111.1	P
B. Conditions of Employment		
(1) Certification	4112.2	P
(2) Security Check/Fingerprinting	4112.5	P/R
(3) Personnel Records	4112.6	P
(4) Nepotism; Employment of Relatives	4112.8	P/R
C. Evaluation/Supervision	4115	P
D. Tenure Status	4116	P
F. Rights, Responsibilities and Duties		
(1) Nondiscrimination	4118.1	P
(2) Reports of Suspected Abuse or Neglect of Mentally Retarded Adults	4118.2	P
(3) Reports of Suspected Abuse or Neglect of Children	4118.21	P
(4) Harassment	4118.3	P/R
(5) Sexual Harassment	4118.31	P
(6) Title IX	4118.32	P/R
(7) Alcohol and Drugs	4118.4	P/R
(8) Smoking and Tobacco Use	4118.41	P/R
(9) Weapons and Dangerous Instruments	4118.5	P
(10) Acceptable Computer Network Use	4118.6	P
(11) Social Media	4118.61	P/R
(12) Bring Your Own Device	4118.62	P/R
(13) Psychotropic Drug Use	4118.7	P
(14) Bullying	4118.8	P
G. Part-Time Personnel		
(1) Student Teachers/Interns	4122	P

## HARTFORD PUBLIC SCHOOLS

### PERSONNEL -- CERTIFIED & NON-CERTIFIED

### SERIES 4000

	Number	Policy or Regulation
H. Activities		
(1) Professional Development	4131	P/R
(2) Publication or Creation of Materials	4132	P
(3) Soliciting and Selling	4137	P
(4) Solicitation of Staff Members	4137.1	P
(5) Non-School Employment	4138	P
I. Leaves		
(1) Family and Medical Leave	4152	P
1. Non-Certificated Personnel		
A. Recruitment and Selection	4211*	P/R
(1) Affirmative Action: Equal Employment Opportunity	4211.1*	P
B. Conditions of Employment		
(1) Security Check/Fingerprinting	4212.5*	P/R
(2) Personnel Records	4212.6*	P
(3) Nepotism; Employment of Relatives	4212.8*	P/R
C. Evaluation Supervision	4215	P/R
D. Rights, Responsibilities and Duties		
(1) Nondiscrimination	4218.1*	P
(2) Reports of Suspected Abuse or Neglect of Mentally Retarded Adults	4218.2*	P
(3) Reports of Suspected Abuse or Neglect of Children	4218.21*	P
(4) Harassment	4218.3*	P/R
(5) Sexual Harassment	4218.31*	P
(6) Alcohol and Drugs	4218.4*	P/R
(7) Smoking and Tobacco Use	4218.41*	P/R
(8) Weapons and Dangerous Instruments	4218.5*	P
(9) Internet Acceptable Use	4218.6*	P/R
(10) Communication of Behavior Concerns to Students and Parents	4218.7*	P/R

## HARTFORD PUBLIC SCHOOLS

### PERSONNEL -- CERTIFIED & NON-CERTIFIED

### SERIES 4000

	Number	Policy or Regulation
E. Activities		
(1) Soliciting and Selling	4237*	P
(2) Solicitations of Staff Members	4237.1*	P
(3) Non-School Employment	4238*	P
F. Leaves		
(1) Personal/Family and Medical Leave	4252*	P

\* The policy and/or regulation is the same for Certified and Non-Certified Personnel. Refer to the Certified Personnel section of this manual for the policy or regulation covering this issue.

## **Personnel -- Certified/Non-Certified**

### **Recruitment and Selection**

The superintendent of schools shall be responsible for the selection and assignment of all personnel in the Hartford Public Schools except as noted below. They shall be determined on the basis of potential contribution to the educational program and/or the best interests of the school system. It is the policy of the board of education to employ and retain the best qualified administrators, teachers, and other personnel. This shall be accomplished through careful consideration of credentials, references, interviews, and evaluation of previous performance. Personnel shall be considered on the basis of his/her effectiveness without discrimination as defined by law. (cf. 2111-Equal Employment Opportunity, 4111.1/4211.1-Affirmative Action in Recruitment and Selection)

The superintendent or designee is authorized to employ all personnel below the rank of principal. Appointments to positions at the rank of principal and above shall be approved by the board of education upon the recommendation of the superintendent, and shall be handled in accordance with applicable provision of C.G.S. 10-151.

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on termination of contract.  
10-153 Discrimination on account of marital status. 10- 15 5f Residency requirement prohibited.  
31-126 Unfair Employment Practices (as amended by P.A. 80-285) Title IX - Equal Employment Opportunity  
Americans With Disabilities Act (ADA)  
Family Medical Leave Act (FMLA)

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel – Certified/Non-Certified**

### **Recruitment and Selection**

#### **Vacancies**

The Human Resources Department shall be notified of a vacancy as early as possible. The notification shall be on a “Requisition Form” and include:

1. Reason for vacancy (resignation, retirement, new approved position);
2. Name of program and funding source;
3. Effective date of vacancy with appropriate back-up (resignation letter-leave form); and
4. An updated job description.

Authorization to fill the vacancy shall be received from the appropriate assistant superintendent and Finance department. The position shall be approved, rostered, and funded before being posted.

Upon authorization, vacancies shall be posted throughout the system per contract.

For a new position, the supervisor shall draft a job description using the standard format. The draft shall be reviewed and approved by the Human Resources Department, and shall be posted according to policy and contract.

#### **Approval**

When a candidate has been selected, the supervisor shall send a memo of recommendation to the Human Resources Department for action and final approval. No candidate shall be placed on employment status prior to the Human Resources Department's approval.

#### **Application Procedure**

In the employment of teachers and other certified personnel, special consideration is given to professional training, teaching experience, and personal characteristics desirable in good teachers.

The superintendent, or designee, shall select the candidate.

Applications submitted by unsuccessful candidates will be retained by the system for at least three years, or as otherwise required by law.

#### **Assignment**

The assignment of all personnel in the Hartford Public Schools shall be the responsibility of the superintendent of schools. In accordance with Policy 4111 of this manual, the superintendent shall make these assignments for the best educational interest of the school system and collective bargaining agreements.

**Personnel – Certified/Non-Certified**

**Recruitment and Selection**

**Appointment**

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on termination of contract.  
10-153 Discrimination on account of marital status.  
46a-60 Discriminatory employment practices prohibited.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Affirmative Action: Equal Employment Opportunity**

The Board of Education will provide equal employment opportunities for all persons without regard to race, gender, color, religious creed, national origin, religion, age, veteran status, sex, sexual orientation, gender identity or expression, disability, marital status, present or past history of mental disorder, mental retardation, learning disability or physical disability, or abilities unrelated to the performance of the duties of the position. The Board of Education directs the Administration to set as a goal the recruitment, selection and employment of qualified people among all racial and ethnic groups.

The Board of Education requests an annual report from the Superintendent concerning the extent to which the above mentioned Affirmative Action Program goals are being achieved.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference:        Connecticut General Statutes  
                                 46a-60 Discriminatory employment practices prohibited  
                                 10-153 Discrimination on account of marital status.  
                                 46a-60 Discriminatory employment practices prohibited.  
                                 46a-81a Discrimination on the basis of sexual orientation: Definitions  
                                 Connecticut General Statutes § 46a-81c Sexual orientation discrimination:  
                                 Employment.  
                                 Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
                                 Title VII, Civil Rights Act U.S.C. 2000e, et. seq.  
                                 Title IX of the Education Amendments of 1972, 20 USCS § 1681, et seq.  
                                 Age Discrimination in Employment Act, 29 U.S.C. § 621  
                                 Americans with Disabilities Act, 42 U.S.C. § 12101  
                                 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
                                 The Uniformed Services Employment and Reemployment Rights Act, 20  
                                 CFR 1002.18  
                                 Title II of the Genetic Information Nondiscrimination Act of 2008  
                                 Public Act 11-55, An Act Concerning Discrimination.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005  
Policy revised: May 21, 2013  
Policy updated: July 28, 2015

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel -- Certified**

### **Certification**

Every instructional employee shall be certified as required by law.

It is the responsibility of the employee to see that his/her credential is submitted to the school system. The school system will record the credential as required by law.

It shall be the responsibility of the certified employee to see that his/her credentials for certification are completed before the date of expiration and to file the completed certification with the school system.

Legal Reference:       Connecticut General Statutes  
                              10-145d-400



4112.5  
4212.5

## **Personnel -- Certified/Non-Certified**

### **Security Check/Fingerprinting**

Each applicant for a position within the public school system shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school system shall be required to submit to state and national criminal record checks. A check of sex offender registries must be conducted on all final candidates for employment, including independent contractors.

Legal Reference: Connecticut General Statutes  
10-221d Criminal history records checks of school  
personnel. Fingerprinting. Termination or dismissal.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005  
Policy Revised: October 18, 2011

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Security Check/Fingerprinting**

In order to process such record checks, the following procedures will be followed:

1. No later than ten calendar days after the superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the regional service center or the Office of Talent Management. This packet shall also contain all documents and materials necessary for the regional service center or the Office of Talent Management to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten calendar days after the superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, or pending charges, the superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
5. Decisions regarding the effect of a conviction upon an applicant/employee, if disclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be re-fingerprinted after fulfilling the initial requirement.
7. A criminal history check and a check of sex offender registries must be conducted on all final candidates and Independent contractors for employment with the school system. If a final candidate for employment or hiring as an independent contractor is found to have a criminal history, other than for minor traffic offenses, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position.

**Personnel -- Certified/Non-Certified****Security Check/Fingerprinting (continued)**

If the superintendent recommends such a candidate to the board for employment, the board must be notified of the criminal history and the basis for the superintendent's determination. No individual who is a registered sex offender subject to the provisions of policy 4112.5, will be hired for any position with the school system.

8. Each contract executed by the board with an independent contractor or for the services of independent contractors must require the contractor to check sex offender registries as specified in policy 4112.5.
9. All businesses contracting with Hartford Public Schools shall provide proof that contract workers have undergone background checks consistent with the above policy.
10. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent.

## **Personnel -- Certified/Non-Certified**

### **Personnel Records**

Personnel records shall be kept on all current employees.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration.

The employee's personnel file can be reviewed by the employee in the presence of an administrator or designee. Upon request, an employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

Legal Reference: Connecticut General Statutes  
1-19b Agency administration. Disclosure of personnel, birth and tax records.  
1-20a Objection to disclosure of personnel or medical files.  
1-21i(b) Denial of access to public records or meetings.  
10-151a Access of teacher to supervisory records and reports in personnel file.  
10-151c Records of teacher performance and evaluation not public records.

## **Personnel - Certified/Non-Certified**

### **Nepotism: Employment of Relatives**

Board of Education members and school administrators in order to avoid both the reality and appearance of nepotism will make public any relationship the Board members or administrators have with any possible candidate for a position for which the Board member or administrator must give approval or has influence in such appointment.

For the purpose of this policy, relationship is defined as a member of the immediate family which means the mother, father, grandmother, grandfather, or a grandchild of the Board member or administrator, or of the spouse of the Board member or administrator, and the spouse, son, stepson, son-in-law, daughter, stepdaughter, daughter-in-law, brother, sister, or any relative living in the immediate household of the board member or administrator, or other close friendships or business relationships that could be construed as possibly causing a bias or loss of objectivity on the part of the Board member or administrator.

A Board member or administrator who has such relationship with any employee of the school system as of the effective date of this policy shall declare such relationship immediately. So far as possible, no administrator shall have supervisorial relationship to any member of his/ her family.

Legal Reference: Connecticut General Statutes  
7-479 Conflicts of interest  
46b-38rr Merger of civil union into marriage by default. Exception.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005  
Policy revised: July 28, 2016

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

**Personnel -- Certified/Non-Certified**

**Nepotism: Employment of Relatives**

The following regulations shall govern nepotism in the employment of staff:

1. Persons related by blood or marriage to an employee shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position or in payroll accounting, auditing, or personnel.
2. It is the intent of these rules to avoid any situation where there can arise a conflict of interest either on the part of the member of the board or on the part of an employee.

Legal Reference: Connecticut General Statutes  
31-126 Unfair employment practices.

**Personnel -- Certified**

**Supervision/Evaluation**

**Evaluation**

In accordance with state law (10-151b), the superintendent shall evaluate or cause to be evaluated each teacher in the school system and report the status of the evaluation to the board on or before July 15 of each year.

Legal Reference: Connecticut General Statutes  
10-151b Evaluation by superintendent of certain  
educational personnel.  
Public Act 95-58 An Act Concerning Teacher Evaluations,  
Tenure and Dismissal.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

**Personnel -- Certified****Tenure Status**

The granting of tenure is a serious decision having long-term consequences for the Hartford Public Schools. For this reason, tenure status is not awarded to Hartford teachers whose performance in their probationary years has been no more than adequate. Rather, tenure is achieved only when there is evidence that the teacher has met the standard of excellence as determined by the superintendent, or his/her designee.

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract.  
Appeal.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut



## **Personnel – Certified/Non-Certified**

### **Nondiscrimination**

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, veteran status, gender identity or expression, genetic information, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees 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. It is also the policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics.

The Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined by law.

The Board will not make any employment decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and terminations on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, veteran status, gender identity or expression, genetic information, or any other basis prohibited by state or federal law except in the case of a bona fide occupational qualification.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or 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.

For the purposes of this policy, "gender identity or expression" means 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, consistent with State law.

Legal Reference: Connecticut General Statutes:  
10-153 Discrimination on basis of marital status.

46a-60 Connecticut Fair Employment Practices Act.  
46a-81a Discrimination on the basis of sexual orientation: Definitions  
46a-81c Sexual orientation discrimination: Employment  
Public Act 11-55, An Act Concerning Discrimination.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
Title VII, Civil Rights Act U.S.C. 2000e, et. seq.  
Title IX of the Education Amendments of 1972, 20 USCS § 1681, et seq.  
Age Discrimination in Employment Act, 29 U.S.C. § 621  
Americans with Disabilities Act, 42 U.S.C. § 12101  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
The Uniformed Services Employment and Reemployment Rights Act, 20  
CFR 1002.18  
Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005  
Policy revised: May 21, 2013  
Policy updated: July 28, 2015  
Policy revised: January 23, 2018

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel – Certified/Non-Certified**

### **Reports of Suspected Abuse or Neglect of Mentally Retarded Adults**

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel (including teachers, school administrators, school guidance counselors, paraprofessionals, licensed nurses, psychologists, social workers, mental health professionals, occupational therapists, dental hygienists and speech pathologists) report any suspected abuse or neglect of mentally retarded persons between eighteen (18) and sixty (60) years of age. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require all employees of the Board of Education to comply with the following procedures in the event that they have reasonable cause arising out of, or in the course of his or her employment by the Board of Education, to suspect that any mentally retarded person between eighteen (18) and sixty (60) years of age has been abused or neglected.

#### 1. Scope of Policy

This policy applies to all employees of the Board of Education.

#### 2. Definitions

For the purposes of this policy:

"Abuse" means the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety.

"Neglect" means a situation where a mentally retarded person either is living alone or is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health or is not receiving such necessary services from the caretaker.

"Statutory Mandated Reporter" means an individual required by Conn. Gen. Statutes to report suspected abuse and/or neglect of mentally retarded adults. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed nurses, psychologists, social workers, mental health professionals, physical therapists, occupational therapists, dental hygienists and speech pathologists.

## Personnel – Certified/Non-Certified

### Reports of Suspected Abuse or Neglect of Mentally Retarded Adults (continued)

#### 3. Reporting Procedures for Statutory Mandated Reporters

If a statutory mandated reporter has reasonable cause, arising out of, or in the course of his or her employment by the Board of Education, to suspect that any mentally retarded person between eighteen (18) and sixty (60) years of age has been abused or neglected, he/she shall immediately, but in any case within no later than five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities. The statutory mandated reporter shall also immediately notify the Superintendent.

Such oral report shall be followed by a written report to the Director of the Office of Protection and Advocacy for Persons with Disabilities within five additional calendar days, and a copy of any written report shall be given to the Superintendent.

#### 4. Reporting Procedures for Non-Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as set forth above.

- a. If an employee who is not a statutory mandated reporter has reasonable cause, arising out of, or in the course of his or her employment by the Board of Education, to suspect that any mentally retarded person between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.
  - i. The employee shall immediately, but in any case within no later than five calendar days, make an oral report by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - ii. If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a mentally retarded person between eighteen (18) and sixty (60) years has been abused or neglected, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b. Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of mentally retarded adults directly to the Office of Protection and Advocacy for Persons with Disabilities.

## **Personnel – Certified/Non-Certified**

### **Reports of Suspected Abuse or Neglect of Mentally Retarded Adults (continued)**

#### 5. Contents of Report

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a. the name and address of the allegedly abused or neglected person,
- b. a statement from the reporter indicating a belief that the person is mentally retarded, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c. information concerning the nature and extent of the abuse or neglect; and
- d. any additional information which the reporter believes would be helpful in investigating the report or in protecting the mentally retarded person.

#### 6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any such investigation with the investigation conducted by the Office of Protection and Advocacy for Persons with Disabilities.

The Superintendent's investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that a mentally retarded person has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

#### 7. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

**Personnel – Certified/Non-Certified**

**Reports of Suspected Abuse or Neglect of Mentally Retarded Adults** (continued)

8. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

9. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References: Connecticut General Statutes Section 46a-11b et seq.

**Personnel – Certified/Non-Certified**

**Reports of Suspected Abuse or Neglect of Children or Sexual Assault of Students by School Employees**

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"School employee" means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and

who provides services to or on behalf of students enrolled in the Hartford Public Schools, pursuant to a contract with the Board.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutory mandated reporter" includes all school employees, as defined above, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics and is eighteen years of age or older.

### 3. What Must Be Reported

- a) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years or any student attending a secondary school, regardless of age:
  - i) has been abused or neglected;
  - ii) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her;
  - iii) is placed at imminent risk of serious harm; or
  
- b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
  - i) sexual assault in first degree;
  - ii) aggravated sexual assault in the first degree;
  - iii) sexual assault in the second degree;
  - iv) sexual assault in the third degree;



- v) sexual assault in the third degree with a firearm; or
- vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

#### 4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child or a student attending a secondary school, regardless of age, has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24 hour Child Abuse and Neglect Hotline at 1-800-842-2288 for the purpose of making such oral reports.
- (2) The employee shall also make an oral report as soon as practicable to the Building Principal or his/her designee, and/or the Superintendent or his/her designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or his/her designee directly.
- (3) In cases involving suspected or believed abuse, neglect or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.

- (4) Not later than forty-eight hours after making an oral report, the employee shall submit a written report to the Commissioner of Children and Families or the Commissioner's designee containing all of the required information. The written report should be submitted on the DCF-136 form or any other form designated for that purpose.
- (5) The employee shall immediately submit a copy of the written report to the Building Principal or his/her designee and to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse, neglect or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of Children and Families (or his/her designee) shall submit a copy of the written report to the Commissioner of Education (or his/her designee).

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as defined above.

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child or a student attending a secondary school regardless of age, has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.
  - (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected, placed at imminent risk of serious harm or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or is a victim of sexual assault by school employee, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee

from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) The names and addresses of the child\* and his/her parents or other person responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;
- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

\*For purposes of this Paragraph, the term "child" includes any victim of sexual assault by a school employee, as described in Paragraph 3, above.

7. Investigation of the Report

- a) The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided such investigation does not impede an investigation

by the Department of Children and Families (“DCF”). In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.

- b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student’s sexual assault by school employees, the Superintendent’s investigation shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency. The Superintendent shall conduct the district’s investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of Children and Families or the appropriate local law enforcement agency that the district’s investigation will not interfere with the investigation of the Commissioner of Children and Families or the local law enforcement agency.
- c) The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.
- e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent’s investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the Hartford Public Schools, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Hartford Public Schools, pending the outcome of the investigation.

8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

- a) If, upon completion of the investigation by the Commissioner of Children and Families (“Commissioner”), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that

- (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the Department of Children and Families child abuse and neglect registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two hours after such termination or resignation.
- e) Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.
- f) The Hartford Public Schools shall not employ a person whose employment contract is terminated or who resigned from employment following a

suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 3 of this policy.

9. Evidence of Abuse, Neglect or Sexual Assault by An Independent Contractor of the Board of Education

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the Hartford Public Schools, pursuant to a contract with the Board of Education, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Hartford Public Schools.

10. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

11. Confidential Rapid Response Team

No later than January 1, 2016, the Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 3, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 12 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The Hartford Public Schools shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, regardless of whether an allegation of abuse or neglect or sexual assault was substantiated.

14. Non-Discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

15. Distribution of Policy

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 14, below.

16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of Children and Families.
- b) All school employees, as defined above, shall retake a refresher training course developed and approved by the Commissioner of Children and Families at least once every three years.
- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

17. Records

- a) The Board shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the Department of Children and Families. The State Department of Education shall have access to such records upon request.

- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of Children and Families, upon request and for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 et seq.

Section 17a-103

Section 53a-65

Public Act 15-205, "An Act Protecting School Children"

Policy adopted: July 6, 1999  
Policy updated: June 21, 2016  
Policy updated: July 24, 2018

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut



## Appendix A

### RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

#### **"Intimate Parts" (Conn. Gen. Stat. § 53a-65)**

"Intimate parts" means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

#### **"Sexual Intercourse" (Conn. Gen. Stat. § 53a-65)**

"Sexual intercourse" means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

#### **"Sexual Contact" (Conn. Gen. Stat. § 53a-65)**

"Sexual contact" means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

#### **Sexual Assault in First Degree (Conn. Gen. Stat. § 53a-70)**

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

#### **Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

### **Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

### **Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

### **Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

### **Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

## APPENDIX B

### Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut Department of Children and Families.

For the purposes of these operational definitions,

- a person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- a person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child for the purpose of education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined above may be classified as a victim of child abuse and/or neglect; only a "person responsible", "person given access", or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
  - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

### Physical Abuse

#### **A child may be found to have been physically abused who:**

has been inflicted with physical injury or injuries other than by accidental means,

is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or

has injuries at variance with the history given of them.

#### **Evidence of physical abuse includes:**

bruises, scratches, lacerations  
burns, and/or scalds

reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.

injuries to bone, muscle, cartilage, ligaments:

fractures, dislocations, sprains, strains, displacements, hematomas, etc.

head injuries

internal injuries

death

misuse of medical treatments or therapies

malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion

deprivation of necessities acts of commission or omission by an established caregiver

resulting in physical harm to child

cruel punishment.

### **Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

rape

penetration: digital, penile, or foreign objects

oral / genital contact

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim

incest

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim

sexual exploitation, including possession, manufacture, or distribution of child pornography.

online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website

coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior

disease or condition that arises from sexual transmission

other verbal, written or physical behavior not overtly sexual but likely designed to "groom" a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2215 Sexual Exploitation of Children.

### **Emotional Maltreatment-Abuse**

**Emotional Maltreatment-Abuse is:**

act(s), statement(s), or threat(s), which

has had, or is likely to have an adverse impact on the child; and/or  
interferes with a child's positive emotional development.

**Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;  
degrading;  
isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or  
exposing the child to brutal or intimidating acts or statements.

**Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;  
withdrawal;  
low self-esteem;  
anxiety;  
fear;  
aggression/ passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression;  
and/or trust issues.

**Physical Neglect**

**A child may be found neglected who:**

has been abandoned;  
is being denied proper care and attention physically, educationally, emotionally, or morally;  
is being permitted to live under conditions, circumstances or associations injurious to his well-being; and/or  
has been abused.

**Evidence of physical neglect includes, but is not limited to:**

inadequate food;  
malnutrition;  
inadequate clothing;  
inadequate housing or shelter;  
erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;  
permitting the child to live under conditions, circumstances or associations injurious to his well-being including, but not limited to, the following:  
substance abuse by caregiver, which adversely impacts the child physically

substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs  
psychiatric problem of the caregiver which adversely impacts the child physically  
exposure to family violence which adversely impacts the child physically  
exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety  
non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances  
voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, e.g. persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes;  
persons appearing on the Central Registry  
non-accidental or negligent exposure to pornography or sexual acts  
inability to consistently provide the minimum of child-caring tasks  
inability to provide or maintain a safe living environment  
action/inaction resulting in death  
abandonment  
action/inaction resulting in the child's failure to thrive  
transience  
inadequate supervision:  
creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities  
holding the child responsible for the care of siblings or others beyond the child's ability  
failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

**Note:** Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.

### **Medical Neglect**

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

#### **Evidence of medical neglect includes, but is not limited to:**

frequently missed appointments, therapies or other necessary medical and/or mental health treatments;  
withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or  
withholding medically indicated treatment from disabled infants with life threatening conditions.

**Note:** Failure to provide the child with immunizations or routine well child care in and of itself does not constitute medical neglect.

### **Educational Neglect**

Except as noted below, **Educational Neglect** occurs when, by action or inaction, the parent or person having control of a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate

- fails to register the child in school

- fails to allow the child to attend school or receive home instruction in accordance with CONN. GEN. STAT. §10-184

- failure to take appropriate steps to ensure regular attendance at school if the child is registered.

**Exceptions (in accordance with Conn. Gen. Stat. § 10-184):**

A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

**Note:** Failure to sign a registration option form for such a child is not in and of itself educational neglect.

A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

**Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

**Evidence of emotional neglect includes, but is not limited to, the following:**

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention and affection;
- permitting the child to live under conditions, circumstances or associations; injurious to his well-being including, but not limited to, the following:

  - substance abuse by caregiver, which adversely impacts the child emotionally;
  - psychiatric problem of the caregiver, which adversely impacts the child emotionally;

  - and

  - exposure to family violence which adversely impacts the child emotionally.

**Indicators may include, but are not limited to, the following:**

- depression;

- withdrawal;

- low self-esteem;

- anxiety;

- fear;

- aggression/ passivity;

- emotional instability;

- sleep disturbances;

- somatic complaints with no medical basis;

- inappropriate behavior for age or development;

- suicidal ideations or attempts;



extreme dependence;  
academic regression;  
trust issues.

### **Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

stealing;

using drugs and/or alcohol;

and involving a child in the commission of a crime, directly or by caregiver indifference.

## Appendix C

### INDICATORS OF CHILD ABUSE AND NEGLECT

#### Indicators of Physical Abuse

##### HISTORICAL

Delay in seeking appropriate care after injury.

No witnesses.

Inconsistent or changing descriptions of accident by child and/or parent.

Child's developmental level inconsistent with history.

History of prior "accidents".

Absence of parental concern.

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent.

Unexplained school absenteeism.

History of precipitating crisis

##### PHYSICAL

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso;

Clusters of skin lesions; regular patterns consistent with an implement;

Shape of lesions inconsistent with accidental bruise;

Bruises/welts in various stages of healing;

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges;

Fractures/dislocations inconsistent with history;

Laceration of mouth, lips, gums or eyes;

Bald patches on scalp;

Abdominal swelling or vomiting;

Adult-size human bite mark(s);

Fading cutaneous lesions noted after weekends or absences;

Rope marks.

## **BEHAVIORAL**

Wary of physical contact with adults;

Affection inappropriate for age Extremes in behavior, aggressiveness/withdrawal;

Expresses fear of parents;

Reports injury by parent;

Reluctance to go home;

Feels responsible (punishment "deserved");

Poor self-esteem;

Clothing covers arms and legs even in hot weather.

## **Indicators of Sexual Abuse**

### **HISTORICAL**

Vague somatic complaint;

Excessive school absences;

Inadequate supervision at home;

History of urinary tract infection or vaginitis;

Complaint of pain; genital, anal or lower back/abdominal;

Complaint of genital itching;

Any disclosure of sexual activity, even if contradictory.

### **PHYSICAL**

Discomfort in walking, sitting;

Evidence of trauma or lesions in and around mouth;

Vaginal discharge/vaginitis;

Vaginal or rectal bleeding;

Bruises, swelling or lacerations around genitalia, inner thighs;

Dysuria;

Vulvitis;

Any other signs or symptoms of sexually transmitted disease;

Pregnancy.

## **BEHAVIORAL**

Low self-esteem;

Change in eating pattern;

Unusual new fears;

Regressive behaviors;

Personality changes (hostile/aggressive or extreme compliance);

Depression;

Decline in school achievement;

Social withdrawal; poor peer relationship;

Indicates sophisticated or unusual sexual knowledge for age;

Seductive behavior, promiscuity or prostitution;

Substance abuse;

Suicide ideation or attempt;

Runaway.

## **Indicators of Emotional Abuse**

### **HISTORICAL**

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development

Prior episode(s) of physical abuse

Parent perceives child as "different"

### **PHYSICAL**

(Frequently none);

Failure to thrive;

Speech disorder;

Lag in physical development;

Signs/symptoms of physical abuse.

## **BEHAVIORAL**

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior;

Emotional or cognitive developmental delay;

Extremes in behavior - overly aggressive/compliant;

Depression;

Suicide ideation/attempt.

## **Indicators of Physical Neglect**

### **HISTORICAL**

High rate of school absenteeism;

Frequent visits to school nurse with nonspecific complaints;

Inadequate supervision, especially for long periods and for dangerous activities;

Child frequently unattended; locked out of house;

Parental inattention to recommended medical care

No food intake for 24 hours;

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards;

Family member addicted to drugs/alcohol.

### **PHYSICAL**

Hunger, dehydration;

Poor personal hygiene, unkempt, dirty;

Dental cavities/poor oral hygiene;

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day;

Constant fatigue or listlessness;

Unattended physical or health care needs;

Infestations;

Multiple skin lesions/sores from infection.

## **BEHAVIORAL**

Comes to school early, leaves late;

Frequent sleeping in class;

Begging for/stealing food;

Adult behavior/maturity (parenting siblings);

Delinquent behaviors;

Drug/alcohol use/abuse.

## Personnel -- Certified/Non-Certified

### Harassment

It is the policy of the Hartford Board of Education that all faculty, staff and students, parents and all other members of the school community treat each other with dignity and respect. No form of harassment will be tolerated.

### Definitions

For purposes of this policy harassment is defined as verbal, written, graphic or physical conduct toward an individual or individuals relating to the race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, veteran status, gender identity or expression, or genetic information of the individual(s) where:

- Such conduct is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity;
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, education or participation in District programs or activities;
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; and/or,
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Forms of harassment may include but are not limited to: verbal, physical or written intimidation or abuse, spoken and/or written remarks, symbols, caricatures, physical contact, gestures and innuendo, the display of posters, book covers, T-shirts or other items that contain images or words that can be interpreted as harassing, using computer systems, email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

All reported incidents of harassment will be promptly and thoroughly investigated. Any person engaged in harassment will be subject to appropriate disciplinary action, up to and including termination of employment. The Hartford Public School System will also discipline any individual who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a harassment complaint. Other members of the school community are within the jurisdiction of this policy and are subject to its terms.

Legal Reference      Title VII of the Civil Rights Act of 1964(42 U.S.C. 2000(e) et seq.)  
Title IX of the Education Amendments of 1972 (42 U.S.C. 1134n et seq.)  
Section 504, U.S. Rehabilitation Act. 1973, 29 U.S.C. § 794  
29 CFR, s1004.11 (EEOC Guidelines on Sexual Harassment)  
Connecticut General Statutes 46a-60 (8)  
PA 11-55, Discrimination on Account of gender identity or expression

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005  
Policy revised: May 21, 2013  
Policy revised June 17, 2014  
Policy revised July 24, 2018

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Harassment**

#### **Central Harassment Prevention Team**

The superintendent shall appoint a Central Harassment Prevention Team to assume primary responsibility for addressing and investigating reports of harassment in violation of this policy and making recommendations to the appropriate school principal for remedial action in the case of student violators, or to the superintendent in the case of staff and other non-student violators, including vendors and visitors. The Central Harassment Prevention Team shall also be responsible for making suggestions and/or recommendations regarding policy implementation at each school site as needed

The Central Harassment Prevention Team shall consist of at least the following:

- Executive Director of Human Resources or his/her designee
- Title IX Coordinator
- Assistant Superintendent for Talent Management or his/her designee
- At least one school principal



## **Personnel -- Certified/Non-Certified**

### **Harassment**

#### **School Site Harassment Prevention Team**

Each site will have a Harassment Prevention Team consisting of the principal or his/her designee and any other members that he/she sees fit.

#### **Enforcement – Student/Student and Student/Staff Complaints**

All non-school staff is responsible for reporting information concerning potential violations of this policy involving staff and other non-student violators directly to the Central Team. All school staff and students are responsible for reporting potential violations of this policy to the Site Team, which will immediately notify the Central Team of potential violations of this policy.

Reports made by staff or students relating to student/student harassment may be made to any Team as appropriate. Such reports may be made verbal or in writing, and may be made anonymously.

Upon receipt of any report or other information concerning a potential violation of this policy by any person, the Central Team shall convene to evaluate the information received. If any member of the Central Team is a potential witness or violator, that person shall be removed from all proceedings with respect to the report. The Central Team shall determine whether the information is sufficiently substantive to warrant further action, and shall determine what further action, if any, shall be taken.

Such further action may include investigation, counseling, referral to other persons of agencies, notification of other agencies or other appropriate action. All incidents involving significant physical contact shall be referred for further investigation. In the case of student offenders, such investigation shall be conducted by individuals deemed appropriate by the Central Team. In the case of non-student offenders, including visitors and vendors, such investigation will be conducted by the Director of Human Resources or his/her designee. It is the responsibility of the Central Team and the superintendent to appoint proper investigators in each instance and to assure that the investigation is completed in a timely manner.

The Central Team and the Site Teams shall maintain a log. If further investigation is required, the Central Team shall refer the report to the Director of Human Resources in the case of complaints involving staff, or the superintendent or his/her designee in the case of complaints involving students.

#### **Enforcement – Staff/Student and Staff/Staff**

The Director of Human Resources or his/her designee (investigator) shall meet with both the complainant and the alleged offender (in cases involving staff and other non-students) and all appropriate witnesses in order to give all parties involved the opportunity to provide information concerning the incident in as non-threatening and environment as possible.

## **Personnel -- Certified/Non-Certified**

### **Harassment**

#### **Enforcement – Staff/Student and Staff/Staff (continued)**

The investigator will maintain a record of his/her investigation, with reference to the log of reports and information received.

The investigator will encourage all complaints to keep a record of all objectionable incidents and the steps taken to resolve the problem. The investigation will be completed as promptly as possible and within fifteen (15) school days after the formal complaint is filed unless the time for completion is extended by the Central Team. Based on the investigation, the Director of Human Resources will file a report with the Central Team on the factual findings of the investigation. The Central Team will convene as soon as possible to review the report and consider whether to make any recommendations concerning remedial action to the superintendent. The superintendent or school principal shall review the report and recommendation of the Central Team as soon thereafter as possible, and take appropriate remedial action.

Staff members and students and their parents who are subject to remedial action shall have the right to review the decision otherwise available to them. Student complainants who are dissatisfied with the school principal's action with respect to an incident may appeal to the superintendent.

#### **Vendors and Other Visitors**

All persons engaged in business with and/or visiting the Hartford Public School System must abide by this policy. Any reported incident involving vendors or visitors must be immediately reported to the Central Team for investigation pursuant to this regulation.

#### **Training**

The anti-harassment policy shall be part of the ongoing education and training of students and staff as determined by the superintendent. Such education and training shall address not only the provisions of this policy and regulation, but also stereotyping, cultural sensitivity, diversity, and mutual respect. The training shall include the following objectives for the participants.

In addition, all managers of employees shall receive this and other training and education in accordance with the requirements of C.G.S Sec. 46a-54-204, as it may be amended from time to time.

Training will be provided for members of the board of education, central and school administrators and staff, and every member of the central and site teams.

#### **Training – Student/Student Harassment**

The training of administrators, teachers, support staff, students and parents is critical. To facilitate staff training, a team of site-based personnel (site team) will be identified for each school. This team should consist of at least one administrator who will serve as team leader,

## **Personnel -- Certified/Non-Certified**

### **Harassment**

one teacher or counselor, one member of the support staff (nurse, social worker, etc.), and one parent. Schools are encouraged to have students participate where appropriate. Site teams may consist of a team specifically selected to focus on harassment issues or may consist of members of an already established team (crisis intervention, governance, etc.). It is strongly recommended that the teams be composed of diverse members to the greatest extent possible.

After the school staff has been trained by the site team or outside agency, all teachers in all subject areas will be required to incorporate anti-harassment topics into their teaching and subject areas, in a manner deemed appropriate by the teachers and the site administrator.

### **Student Training**

The Hartford Public School Health Services/Education Department has developed a K-12 Curriculum that will become the basis for initial anti-harassment training for students. The curriculum will be periodically reviewed and updated, with supplemental materials added as needed. Students will receive initial information through the classes offered by the Health Services/Education Department, along with supplemental training provided by various agencies.

“Students Training Other Students” has proven effective. Site teams at each school will identify students willing to be trained as presenters to other students within the schools and, if appropriate, for lower grades.

Enhancement training provided by other groups and individuals will be incorporated to the greatest extent possible when deemed appropriate.

### **Publication**

All staff is responsible for ensuring compliance with this policy and regulation and procedures at their school site, and ensuring an atmosphere free of harassment for all individuals, staff, and students alike.

### **Parent Rights and Responsibilities**

The Hartford Public School System shall make every effort as required by this document to inform parents of this policy

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

**HARASSMENT FORMAL COMPLAINT FORM**

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

\_\_\_\_\_

Date and place of incident: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom was it reported? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction: \_\_\_\_\_

\_\_\_\_\_

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

**HARASSMENT COMPLAINT - APPEAL FORM**

Name and position of complainant: \_\_\_\_\_

Date of appeal: \_\_\_\_\_

Date of original complaint: \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom? \_\_\_\_\_

Description of decision being appealed: \_\_\_\_\_

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

Why is the decision being appealed? \_\_\_\_\_

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

## **Personnel – Certified/Non-Certified**

### **Sexual Harassment**

Harassment of an employee by a supervisor or co-worker on the basis of sex creates a harmful working environment and is illegal under state and federal law. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings; and
4. The threat or suggestion that continued employment advancement, assignment of earnings depend on whether or not the employee will submit to or tolerate harassment.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Superintendent or his/her designee. Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including

**Personnel – Certified/Non-Certified**

**Sexual Harassment** (continued)

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

Any employee who believes that he or she has been harassed in the workplace in violation of this policy may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT (860) 556-7710 and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Center, Boston MA (617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged harassment occurred. Remedies for sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Note: This policy is limited to addressing sexual harassment. Other types of harassment also are prohibited by law, such as harassment on the basis of sexual orientation, race, color, religious creed, marital status, national origin, ancestry, physical or mental disability, or age.

Legal References: Connecticut General Statutes Section 46a-60(8)

**Personnel -- Certified/Non-Certified****Title IX Sexual Harassment (Personnel)**

The District does not discriminate on the basis of sex in the education programs and activities that it operates. This requirement not to discriminate in the District's education programs and activities extends to admission (as applicable) and employment. Sexual harassment is a form of sex discrimination and will not be tolerated. It is the policy of the Board of Education that any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the Board. Employees are expected to adhere to a standard of conduct that is respectful and courteous to employees, to students, and to the public. An employee found to be a responsible party for sexual harassment in violation of Title IX may be subject to discipline up to and including termination of employment. A finding that an employee is not a responsible party for conduct that violates Title IX does not prevent discipline of the employee if the conduct violates another Board policy, personnel rule or code of conduct. Employee conduct that is not sexual harassment as defined under the Title IX regulations may still be found to be sexual harassment under Connecticut state law and/or Title VII of the Civil Rights Act as set forth in Board Policy 4118.31 (Sexual Harassment – Personnel) and Board Policy 5163.1 (Sexual Harassment – Students).

**Definitions**

Sexual Harassment under Title IX: conduct on the basis of sex that occurred in an Education Program or Activity of the Board in which the Complainant is participating in and/or attempting to participate in and satisfies one or more of the following:

1. An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education program or activity, or
3. Sexual assault, dating violence, domestic violence or stalking.

Actual Knowledge: notice of sexual harassment or allegations of sexual harassment to the District's Title IX coordinator or any employee of an elementary and/or secondary school. This standard is not met where the only District employee with actual knowledge is the respondent.

Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Education Program or Activity: includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment is alleged to have occurred.

Formal Complaint: a document filed by a complainant or signed by the District Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.



Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation as set forth in 20 USC §1092(f)(6)(A)(v).

Dating Violence: means violence committed by a person (a) who has been in a social relationship of a romantic or intimate nature with the victim, and (b) where the existence of such relationship shall be determined based on consideration of the following factors (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship as set forth in 34 U.S.C. §12291(a)(10).

Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Connecticut, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction as set forth in 34 U.S.C. §12291(a)(8).

Stalking: means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress as set forth in 34 U.S.C. §12291(a)(30).

Supportive Measures: non-disciplinary, non-punitive individualized services offered, as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment.

## **Procedure**

It is the express policy of the Board of Education to encourage victims of sexual harassment or those who have knowledge of sexual harassment to report such claims. Employees are encouraged to promptly report sexual harassment to the school-based Title IX coordinator, the district-wide Title IX coordinator, or the principal or his/her designee. Victims of sexual harassment may file a report of sexual harassment and receive supportive measures. Victims of sexual harassment who want a formal investigation into the sexual harassment must file a written complaint of sexual harassment and request a formal investigation. Formal complaints will be investigated promptly and corrective action will be taken when the respondent is found, after an investigation, to be the responsible party. Retaliation against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding a claimed Title IX violation is prohibited and may result in disciplinary action against the retaliator, up to and including termination as appropriate.

**4118.32 (c)**

Any Board of Education employee with knowledge of sexual harassment shall immediately report the same to the school-based or district-wide Title IX coordinator with a copy of the school principal.

Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator.

The Title IX Coordinator for the Hartford Board of Education is the:

Position: Director of Student Support Services

Address: Bulkeley High School, 300 Wethersfield Ave, Hartford, CT 06114

Phone number: 860- 695-8000

Email address: [Title\\_X@hartfordschools.org](mailto:Title_X@hartfordschools.org)

Reports of sex discrimination and/or sexual harassment may also be made to the United States Department of Education, Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921. Telephone (617) 289-0111.

Legal Reference: 20 U.S.C. § 1681 Title IX of the Education Amendments of 1972  
34 CFR Section 106 Regulations implementing Title IX  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Policy adopted: September 15, 2020

HARTFORD BOARD OF EDUCATION

Hartford, Connecticut

## **Personnel**

### **Title IX Sexual Harassment**

Sexual harassment is prohibited within the Hartford Public Schools. Examples of conduct that may be sexual harassment include, but are not limited to, the following:

1. Where submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
2. Where a person is subjected to unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity.
3. Where submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding services, honors, programs, or activities available at or through the District.
4. Suggestive or obscene letters, notes, invitations, slurs, jokes, epithets, or gestures, derogatory comments, assault, touching, impeding or blocking movement, leering, display of sexually suggestive objects, pictures or cartoons.
5. Continuing to express sexual interest after being informed that the interest is unwelcome.
6. Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of students, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g. scholarships, financial aid, work study job).
7. Inappropriate attention of a sexual nature from peer(s), i.e. student to student, employee to employee.
8. Sexual assault, dating violence, domestic violence or stalking.

### **How to Report Sexual Harassment**

Any person may report sexual harassment, whether or not the person reporting is a person who is alleged to be the victim of conduct that could constitute sexual harassment. Such report may be made in person, by mail, by telephone or by electronic mail to a school-based or the district-wide Title IX coordinator, the school principal or their designee. Such reports may be made anonymously. Individuals who believe that they have been sexually harassed at a District education program or activity, or those who have knowledge of sexual harassment occurring at or during a District education program or activity should report the same to the school-based Title IX coordinator for the school at which the harassment is alleged to have occurred, the District-wide Title IX coordinator, the school principal or their designee. School employees who receive reports of sexual harassment should

immediately send the report to the school-based or district-wide Title IX coordinator with a copy to the school principal.

Upon receipt of a report of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the wishes of the complainant with regard to supportive measures, inform the complainant of the availability of supportive measures whether or not the complainant files a formal complaint, and explain to the complainant the process for filing a formal complaint.

Supportive measures may include, but are not limited to:

1. Separating the parties as much as possible during the school day;
2. Provision of support through the District's Employee Assistance Program;
3. Increased monitoring, supervision or security in locations or activities where the alleged misconduct occurred; and
4. Other similar measures.

Supportive measures provided must be kept confidential unless disclosure is necessary for the supportive measure's effectiveness.

The Title IX Coordinator must document that they have taken measures designed to restore or preserve equal access to the District's education program or activity and such documentation should address why the response was not deliberately indifferent. The Title IX Coordinator must document all supportive measures offered to and/or provided to the complainant. If the Title IX Coordinator does not provide supportive measures to a complainant, the Title IX Coordinator must document why such a response was not clearly unreasonable in light of the known circumstances.

A report of sexual harassment or sex discrimination is not a request for a formal Title IX complaint investigation. A complainant who wants a formal complaint investigation must file a formal written complaint with the District-wide Title IX Coordinator as outlined in the formal grievance procedure below.

#### Formal Grievance Procedure

The formal grievance procedure is designed to provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX and its implementing regulations. The grievance procedure applies only to claims of sex discrimination occurring in the District's education programs or activities. The formal grievance procedure is only initiated if the complainant or the complainant's parent/guardian signs a formal complaint or the Districtwide Title IX Coordinator signs a formal complaint alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

The Title IX Coordinator, investigator, decision-maker and any person designated to facilitate an informal resolution process will recuse themselves if they have a conflict of interest or a bias for or against complainants or respondents generally or to an individual complainant or respondent.

There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. "Responsible for the alleged conduct" is determined by the preponderance of the evidence standard whereby the respondent is responsible for the conduct if there is more than a 50% chance that they engaged in the alleged conduct.

The grievance process will be completed within a reasonable time frame. Although each complaint is different, a reasonable time frame generally means that the grievance process will be completed within sixty (60) days of when the formal complaint is filed. Time frames may be extended for good cause. Both the complainant and respondent should be informed in writing of any extension of the time frame and the reason for the extension. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity or Department of Child and Family investigation; or the need for language assistance or accommodation of disabilities.

If a respondent is found to be responsible for the alleged conduct and the alleged conduct is found to be a violation to Title IX, the respondent may be subject to discipline up to and including termination of employment. If the respondent is found to be responsible for the alleged conduct and it is determined that the conduct does not violate Title IX as set forth in the regulations implementing Title IX but the conduct violates another Board policy, rule or code of conduct, and/or federal, state or local law, the respondent also may be subject to discipline up to and including termination from employment.

1. A written formal complaint should include:
  - a. The name of the complainant,
  - b. The date of the complaint,
  - c. The date of the alleged harassment,
  - d. The name or names of the harasser or harassers (if known),
  - e. Identification of the location where such harassment occurred,
  - f. A detailed statement of the circumstances constituting the alleged harassment.
2. Upon receipt of a formal complaint, the Title IX Coordinator must provide the following written notice to the parties who are known:
  - a. Notice of the District's grievance process including any informal resolution processes that are available.
  - b. Notice of the allegations of sexual harassment including sufficient details known at the time including the identifies of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment in violation of Title IX, and the date and location of the alleged incident (if known).
  - c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.
  - d. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
  - e. A statement that each party will have the opportunity to inspect and review evidence provided.
  - f. A statement that parties who knowingly make false statements or knowingly submit false information during the grievance process may be disciplined.
3. If, during the course of the investigation, the investigator decides to investigate allegations not included in the original notice, the investigator will provide notice of the additional allegations to the parties whose identities are known.
4. Risk Assessment: Upon receipt of a formal Title IX written complaint, the Districtwide Title IX Coordinator and/or designee will undertake an individualized safety and risk analysis. If the Districtwide Title IX Coordinator and/or their designee determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal of the respondent from the school

setting, the Title IX Coordinator and/or their designee, in conjunction with the Executive Director of Human Resources or the Executive Director of Internal Investigations, will immediately remove the respondent from the school setting. If the respondent is a student, any decision to suspend or expel the student will follow the District's normal suspension/expulsion process. If the respondent is an employee, the District will follow its normal exclusionary proceedings for employees, including but not limited to placement on administrative leave.

5. The Title IX Coordinator will evaluate whether a report must be made to the Connecticut Department of Children and Families.

6. The District may consolidate two or more formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances.

7. Mandatory Dismissal of Formal Complaint: If, during the course of the investigation, it is determined that the respondent's conduct, even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, pursuant to the Title IX Regulations, the District is required to dismiss the formal complaint with regard to that conduct. Such dismissal must be approved by the Superintendent and/or designee or the Executive Director of Human Resources and/or Executive Director of Internal Investigations. Such a dismissal does not preclude discipline under another provision of the District's Code of Conduct or another District policy including but not limited to Board Policy 4118.31 (Sexual Harassment – Personnel) and Board Policy 5163.1 (Sexual Harassment – Students).

8. Permissive Dismissal of Formal Complaint: The District may dismiss the formal complaint or specific allegations therein, if (a) any time during the investigation or decision-making process, the complainant notifies the Districtwide Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, (b) the respondent is no longer enrolled or employed by the District, or (c) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Such dismissal must be approved by the Superintendent and/or designee or the Executive Director of Human Resources and/or the Executive Director of Internal Investigations. Such a dismissal does not preclude discipline under another provision of the District's Code of Conduct or another District policy including but not limited to Board Policy 4118.31 (Sexual Harassment – Personnel) and Board Policy 5163.1 (Sexual Harassment – Students).

9. Upon mandatory or permissive dismissal, the District must promptly send simultaneous written notice of the dismissal to all parties.

10. The exercise of rights protected under the First Amendment does not constitute sexual harassment under Title IX.

Formal Investigation Process:

1. The investigator must be free from bias and conflicts of interest and trained to serve impartially.
2. The investigator must ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District, not the parties.
3. The investigator and decision makers cannot access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment of the party, unless the investigator or decision maker obtains that party's parent's/guardian's voluntary, written consent to do so (or the written consent of the party if the party is over the age of eighteen).

4. The investigator will provide an equal opportunity for all parties to present witnesses, including fact and expert witnesses, and other evidence.
5. No party will be prohibited from discussing the allegations under investigation or gathering and presenting relevant evidence.
6. Each party may be accompanied to any meeting or proceeding by an advisor of their choosing. The advisor, however, is merely there to provide advice to the party and may not actively participate in the meeting or proceeding. The advisor will not be allowed to ask or answer questions during the meeting or proceeding.
7. Each party will be given written notice of the date, time, location, participants and purpose of all hearings, investigative interview or other meetings to which the party is invited, at least three days in advance in order to provide the party sufficient time to prepare to participate.
8. To the extent the documents and information are not protected from disclosure by the Family Educational Rights and Privacy Act (FERPA), the Americans with Disabilities Act, the Individuals with Disabilities in Education Act or any other federal law, both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.
9. Prior to completing the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will be given a minimum of ten (10) calendar days to submit a written response to that information. The investigator must consider any written response prior to completing the investigative report.
10. After completing the investigation, the investigator must create an investigative report that fairly summarizes the relevant evidence and, at least ten (10) days before the decision maker makes a determination of responsibility, send a copy of the investigation report to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response.
11. Credibility determinations may not be based on a person's status as a complainant, respondent or witness.
12. The investigative report must include the following:
  - a. The identity of the parties;
  - b. The conduct potentially constituting sexual harassment;
  - c. A list of the evidence reviewed; and
  - d. Findings of fact.

#### The Formal Decision-Making Process

The decision maker for personnel issues will be the Executive Director of Human Resources and/or the Executive Director of Internal Investigations or their designee.

1. The Decision-maker cannot be the same person as the Title IX Coordinator or the investigator.
2. Before making a decision, the decision-maker must give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. After posing the relevant questions to the party or witness, the decision-maker must provide each

- party with the answers and allow for additional, limited follow-up questions from each party.
3. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and are offered to prove consent.
  4. The Decision-maker may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privileged has waived the privilege.
  5. If the Decision-maker chooses to exclude any requested questions, the decision-maker should explain to the party proposing the questions the decision to exclude a question as not relevant. To the extent that explanation is given verbally, the Decision-maker should document the decision in writing.
  6. The Decision-maker must make a determination regarding whether the respondent is responsible for sexual harassment in violation of Title IX. To reach the determination, the Decision-maker must use the preponderance of the evidence standard. This standard is met if there is more than a fifty percent (50%) chance that the respondent is responsible for sexual harassment in violation of Title IX.
  7. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
  8. The Decision-maker must issue a written determination that includes:
    - a. Identification of the allegations potentially constituting sexual harassment;
    - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and hearings held;
    - c. Findings of fact supporting the determination;
    - d. Conclusions regarding the application of the District's code of conduct to the facts;
    - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility. The formal report also must include any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant. To the extent that the District does not have permission from the relevant party to reveal the discipline, remedies provided, or other information protected by FERPA, the IDEA, the ADA or other federal law, such portion of the report must be redacted before providing it to the other party.
    - f. The District's appeal procedures and permissible bases for the complainant and respondent to appeal the decision.
  9. The written decision must be provided to both parties simultaneously.
  10. The decision is not considered final until after the date the District provides a written determination of any appeal or the deadline for appeal passes.
  11. To the extent that the Decision-maker determines that the conduct in question meets the District's criteria for expulsion, the provisions of C.G.S. §10-233d and Board policy must be followed prior to the institution of an expulsion.



12. The Title IX coordinator is responsible for effective implementation of any remedies.
13. Conduct that is not found to rise to the level of a Title IX violation may still constitute prohibited discrimination on the basis of sex or another protected category as defined in federal, state or local law, Board policy or the school's code of conduct. A finding of no responsibility under Title IX does not prohibit the District from investigating and determining that the respondent's conduct violated another provision of Board policy and/or code of conduct including but not limited to Board Policy 4118.31 (Sexual Harassment – Personnel) and Board Policy 5163.1 (Sexual Harassment – Students).

#### The Formal Appeal Process

Appeals shall be heard by the District Central Harassment Team or the Superintendent/designee. Both parties have a right to appeal the determination of responsibility and/or the District's decision to dismiss the formal complaint or any allegations thereon.

Appeals are only available on the following bases:

1. Procedural irregularities that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the outcome of the matter; and/or
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The appeal Decision-maker will not be the same individual as the original Decision-maker, the investigator and/or the Title IX Coordinator.

If an appeal is received, the appeal Decision-maker will notify the other party in writing.

Before issuing his/her decision, the Decision-maker must give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The Decision-maker must provide his/her/their written decision simultaneously to both parties.

The written decision must describe the results of the appeal and the rationale for the result.

#### **Informal Resolution Process**

After a formal complaint has been filed, the parties may voluntarily agree to participate in the District's informal resolution process. The parties may not be required to participate in the informal resolution process as a condition of continued enrollment or employment or the enjoyment of any right to an investigation and/or adjudication of the formal complaint of sexual harassment.

Prior to participating in any informal resolution process, the parties will be provided with written notice disclosing the following:

1. The allegations;
2. The circumstances under which the informal resolution process would preclude the parties from resuming a formal complaint arising from the same allegations;
3. The right of any party to withdraw from the informal resolution process at any time prior to the parties agreeing to a resolution and to require the resumption of the formal complaint process after such withdrawal; and
4. The consequences resulting from participating in the informal resolution process, including whether records will be maintained or could be shared.

Each party must give written consent to engage in the informal resolution process. Such consent may be withdrawn at any time.

The informal resolution process may not be used to resolve allegations that an employee sexually harassed a student.

The District provides the following types of informal resolution processes:

1. Mediation,
2. An agreement to truncate the steps of the grievance procedure where the parties agree to some or all of the facts,

### **Recordkeeping**

The District must maintain the following records for a minimum of seven years from the end of the grievance process:

1. The records of each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

The District must maintain for a minimum of seven years all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District will make such training materials publicly available on its website.

### **Prohibition on Retaliation**

Retaliation against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding a claimed Title IX violation is prohibited. Retaliation shall include intimidation, threats, coercion or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment if the purpose is to interfere with any right or privilege secured by Title IX.

Complaints of retaliation must be filed through the formal complaint process.

The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or other proceedings arising thereunder.

### **Materially False Statements**

A complainant, respondent or witness who is found to have made a materially false statement in bad faith during the grievance process shall be subject to discipline up to and including expulsion from school. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation. A determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Publication**

A copy of this regulation must be provided to all students, parents or legal guardians of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the District and shall be made available on the District's website.

### **Training**

All Title IX coordinators, investigators, decision-makers and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment in 34 C.F.R. §106.30, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will receive training on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behaviors are not relevant. Investigators will receive training on issues of relevance to create an investigation report that fairly summarizes relevant evidence.

Legal Reference: 20 U.S.C. § 1681 Title IX of the Education Amendments of 1972  
34 CFR Section 106 Regulations implementing Title IX  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Regulation adopted: September 15, 2020

HARTFORD BOARD OF EDUCATION

Hartford, Connecticut

## **Personnel -- Certified/Non-Certified**

### **Alcohol and Drugs**

It is the goal of the Hartford Public Schools to provide a learning environment for students and a working environment for employees that is free from the negative effects of drug abuse.

In order to comply with the Drug Free Schools and Communities Act and the Drug Free Workplaces Act, the Hartford Board of Education notifies all employees of the Hartford Public Schools that the unlawful manufacture, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited on district premises and during any district sponsored activities. Further, being under the influence of alcohol or drugs on district grounds or during district sponsored events is strictly prohibited.

Employees experiencing problems related to drug use, including the misuse of alcohol, should ask for confidential rehabilitation assistance before the problem leads to either misconduct or a lack of productivity. Each employee of the Hartford Public Schools should be aware of the fact that each year a small number of staff members seek and obtain rehabilitation through this process with the help of our board provided health insurance policies. No disciplinary sanctions are taken against employees who seek assistance before the problem negatively affects their productivity.

Employees of a school system are held to higher standards of conduct due to their contact with students. Therefore, drug-related activities, including the misuse of alcohol, during the hours away from school may be considered serious misconduct and may lead to termination.

Employees who violate these standards of conduct listed in paragraph one will be subject to disciplinary action, consistent with applicable State and Federal laws, board policy, and contractual obligations. Disciplinary action may include suspension and/or termination.

Each employee of the Hartford Public Schools should also be aware of the fact that unfortunately, each year, a small number of employees wait too long and suffer disciplinary action including termination, as a result of their unwillingness to seek assistance in a timely fashion.

Each employee of the Hartford Public Schools is reminded that confidential assistance can be obtained by contacting Employer Assistance Program Services.

## Personnel -- Certified/Non-Certified

### Alcohol and Drugs

#### Terms

- Drug: Any medications and other substances, e.g. alcohol, legal or illegal, which could impair-the employee's ability to perform his / her job safely and effectively.
- Drug paraphernalia: Any object or device used, intended for use, designed for use in ingesting, inhaling, injecting or otherwise introducing controlled substances into the human body (e.g. razor blades, bong, pipes, roach clips, tobacco rolling papers or any object or container used, intended for use, or designed for use in storing, concealing or distributing controlled substances.
- Possession: Any possession which is unlawful under connecticut state law.
- Distribution: To give possession of a drug to another person, whether or not for compensation.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.  
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)  
21 U.S.C. 812, Controlled Substances Act, I through V, 202.  
21 C.F.R. 1300.11 through 1300.15 regulation.  
54 Fed. Reg. 4946 (1989)  
Connecticut General Statutes  
1-21b Smoking prohibited in certain places.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

4118.41  
4218.41

## **Personnel -- Certified/Non-Certified**

### **Smoking and Tobacco Use**

The board of education is committed to maintaining and improving the health and well-being of students and employees. Medical research has shown that smoking poses a significant risk to the health of the smoker and non-smoker alike. In the face of such overwhelming evidence about smoking as a health hazard, and in keeping with the board's commitment to the well-being of its students and employees, the board adopts the following:

Consistent with state law, smoking is prohibited at all times in all buildings and on the property under the jurisdiction of the board of education and in all facilities where board of education activities transpire.

Legal Reference:       Drug-Free Workplace Act 102 Stat. 4305-4308.  
                              Drug-Free Schools and Community Act, P.L. 99-570, as  
                              amended by P.L. 101-226 (199)  
                              21 U.S.C. 812, Controlled Substances Act I through V,  
                              202.  
                              21 C.F.R. 1300.11 through 1300.15 regulation.  
                              54 Fed. Reg. 4946 (1989)  
                              Connecticut General Statutes  
                              1-21b Smoking prohibited in certain places.

Policy adopted: July 6, 1999  
Policy updated: November 1, 2005

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

4118.5  
4218.5

## **Personnel - Certified/Non-Certified**

### **Weapons and Dangerous Instruments**

All dangerous instruments and illegal weapons (guns, knives, etc.) are prohibited on school property, student transportation and at school-sponsored activities. Such instruments and weapons shall be confiscated. Any violation will be reported to the police. Appropriate disciplinary or legal action shall be pursued by school officials.

(cf. 5131 – Suspension/Expulsion; Due Process)

(cf. 5133 - Weapons and Dangerous Instruments)

Legal Reference: Connecticut General Statutes  
10-221 Board of Education to prescribe rules.

## **Personnel -- Certified/Non-Certified**

### **Acceptable Computer Network Use**

#### **Purpose**

Computers, computer networks, Internet access, and e-mail are effective and important technological resources in today's work environment. The Board of Education has provided computers, local area (wired), and wireless networks and peripheral equipment that allow for Internet access, files and storage and an e-mail system (referred to collectively as "HPS Network"), in order to enhance both the educational opportunities for our students and the business operations of the district. These computer systems are business tools. As such, their use is encouraged to communicate with others, share information, and conduct educational research.

The Hartford Public Schools has and will continue to comply with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l), "CIPA". The district is committed to assuring the safe conduct of all students while online and has a comprehensive policy about the proper use of our technological resources. At the beginning of each school year, students and staff are made aware of the district's Acceptable Use and Internet Safety Policy. Staff members are expected to understand and enforce the Student Acceptable Use and Internet Safety Policy in their area. All state, federal and local laws and district policies and guidelines should be followed. It is the district's intent to preserve network bandwidth and improve network response times by prioritizing Internet access to education and work-related sites. The district's technology will support innovative teaching and learning. We will provide appropriate staff development opportunities and will develop procedures to support this policy.

#### **Scope**

The Board expects that employees learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their employment. Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or District operations without authority according to Family Educational Rights and Privacy Act (FERPA) guidelines. Parents and students put their trust in the stewards of education data to ensure students' personal information is properly safeguarded and is used only for legitimate purposes and only when absolutely necessary.

All visitors who choose to use the HPS network must abide by the terms of this policy in the same way that staff does.



## **HPS Network**

The HPS Network includes wired and wireless computers and peripheral equipment, files and storage, e-mail and Internet. The district reserves the right to prioritize the use of, and access to, the network.

All use of the HPS Network must support education, research, or business operations and be consistent with the mission of the district.

Unacceptable network use by district staff includes but is not limited to:

- Accessing, uploading, downloading, storage and distribution of any personal files, including offensive, obscene, pornographic or sexually explicit material;
- Downloading, installation and use of games, audio files, video files or other applications (including shareware or freeware) without permission or approval from Metro Hartford Information Services;
- Personal gain, commercial solicitation and compensation of any kind;
- Support or opposition for ballot measures, candidates and any other political activity;
- Hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software, and monitoring tools;
- Using another person's account password, folder, work, or files;
- The use of profanity, abusive, impolite, or inappropriate language;
- Harassing phone calls, voice mails, e-mails, and use of social media in violation of the Safe Workplace policy;
- Use of social media that interferes with the work of the school district, creates a hostile work environment, harms the goodwill and reputation of the school district, or violates the law, Board policy, and/or school rules;
- E-mail messages addressed to all employees or large groups of employees without the prior approval of the sender's Department Head.

The District reserves the right to implement "quality of service" rules (QOS) to prioritize Internet bandwidth for uses deemed educationally appropriate. The District may slow, or entirely delimit uses of the Internet deemed not educationally appropriate.

## **Digital Citizenship Education**

All users acknowledge that the district provides education regarding appropriate interaction with others via email, on social networking and messaging sites/apps, as well as cyberbullying awareness and responses to cyberbullying, and they agree to conduct themselves appropriately when using district technology.

All stakeholders subject to this policy will receive Digital Citizenship education providing guidance on appropriate behaviors, expectations, and protocols when using technology and online resources.

## No Expectation of Privacy

The district provides the network system, e-mail and Internet access as a tool for education, research, and business in support of the district's mission. The district reserves the right to monitor, inspect, copy, review and store, without prior notice, information about the content and usage of:

- The HPS Network;
- User files and disk space utilization;
- User applications and bandwidth utilization;
- User document files, folders and electronic communications;
  
- E-mail;
- Internet access; and
- Any and all information transmitted or received in connection with network and e-mail use.

No staff user should have any expectation of privacy when using the district's network. The district reserves the right to disclose any electronic message to law enforcement officials or third parties as appropriate. As part of monitoring and reviewing, the district will retain the capacity to bypass any individual password of a staff member or other user. The system's security aspects, such as personal passwords and the message delete function for e-mail, may be bypassed for these purposes. Users acknowledge that the District has in place Internet filters/protection measures which prohibit access of certain sites and/or inappropriate content. The District reserves the right to monitor and review all on-premises internet traffic in compliance with applicable laws, as well as all internet traffic transferred using District-issued devices and connectivity (e.g., hot spots). Users may not disable, alter settings of, or intentionally circumvent these filters/protection measures using technology like VPNs, or extensions. Users also acknowledge that no protection measure can guarantee that inappropriate content will never be accessible and that the District cannot and will not be liable should that happen.

## Disciplinary Action

Misuse of the computer systems, or violation of these policies, may result in revocation of privileges, disciplinary action, and/or involvement of law enforcement agencies, depending on specific violation.

## Oversight

The Administration shall develop regulations setting forth procedures to be used in an effort to ensure that such computer systems are used by staff solely for education and business-related purposes.

As the owner of the computer systems, the Board reserves the right to monitor the use of the district's computers and computer systems.

**Acceptable Computer Network Use (cont'd.)**

**Legal References:**

Children's Internet Protection Act, Pub. L. 106-554, codified at 47 U.S.C. 254(h)

Conn. Gen. Stat. 53a-182b; 53a-183; 53a-250

Electronic Communications Privacy Act, 18 U.S.C. 2510 through 2520

No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. 6777

Protecting Children in the 21 st Century Act, Pub. Law 110-385, codified at 47 U.S.C. 254(h)(5)(B)(iii).

Policy adopted: September 14, 1999

Policy updated: November 1, 2005

Policy revised: May 19, 2009

Policy revised: September 18, 2012

Policy revised: December 15, 2020

HARTFORD PUBLIC SCHOOLS

Hartford, Connecticut

## **SOCIAL MEDIA**

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee's right to use social media under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees' personal use of social media, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

### Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

ADOPTED: June 21, 2016

REVISED:

## **SOCIAL MEDIA**

### **ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA**

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in the Board's policy or these administrative regulations is intended to limit an employee's right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between the Board's policy or these regulations and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees' personal online accounts, will not be a legal or policy issue. While a policy or regulation cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

#### **Definitions:**

The rapid speed at which technology continuously evolves makes it difficult, if not impossible, to identify all types of social media.

Thus, the term Social Media includes a variety of online tools and services that allow users to publish content and interact with their audiences. By way of example, social media includes the following websites or applications, including an employee's personal online account using such social media:

- (1) social-networking (e.g. Facebook, LinkedIn, Google+, Classmates.com);
- (2) blogs and micro-blogs (e.g. Twitter, Tumblr, Medium);
- (3) content-sharing (e.g. Scribd, SlideShare, DropBox);
- (4) imagesharing, videosharing or livestreaming (e.g. Snapchat, Periscope, Flickr, YouTube, Instagram, Vine, Pinterest);
- (5) other sharing sites or apps such as by sound, location, news, or messaging, etc. (e.g. Reddit, Kik, Yik Yak, SoundCloud, WhatsApp).

Board of Education includes all names, logos, buildings, images and entities under the authority of the Board of Education.

Electronic communications device includes any electronic device that is capable of transmitting, accepting or processing data, including, but not limited to, a computer, computer network and computer system, and a cellular or wireless telephone.

Personal online account includes any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to electronic mail, social media and retail-based Internet websites. Personal Online Account does not include any account created, maintained, used or accessed by an employee for a business, educational or instructional purpose of the Board.

### **Rules Concerning District-Sponsored Social Media Activity**

1. In order for an employee to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the prior permission of his/her supervisor.
2. Employees may not use personal online accounts to access social media for classroom activities without express permission of the employee's supervisor. Where appropriate and with permission, district-sponsored social media accounts should be used for such purposes.
3. If an employee wishes to use social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or a school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:
  - o The employee must receive the permission of his/her immediate supervisor.
  - o The employee must not use his/her personal online account for such purpose, but shall use his/her Board-issued account.
  - o The employee must ensure that such social media use is compliant with all Board of Education policies, regulations, and applicable state and federal law, including the provision of required legal notices and permission slips to parents.
  - o The employee must set up the club, etc. as a group list which will be "closed" (e.g. membership in the group is limited to students, parents and appropriate school personnel), and "monitored" (e.g. the employee had the ability to access and supervise communications on the social media site).
  - o Parents shall be permitted to access any page that their child has been invited to join.
  - o Access to the page may only be permitted for educational purposes related to the club, activity, organization or team.
  - o The employee responsible for the page will monitor it regularly.
  - o The employee's supervisor shall be permitted access to any page established by the employee for a school-related purpose.
  - o Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
4. Employees are prohibited from making harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate statements in their social media communications using district-sponsored sites or accounts or through Board-issued electronic accounts.
5. Employees are required to comply with all Board of Education policies and procedures and all applicable laws with respect to the use of electronic communications devices, networks,

Board-issued accounts, or when accessing district-sponsored social media sites or while using personal devices on the district's wireless network or while accessing district servers.

6. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any communication made through social media, including personal online accounts, while using district electronic communications devices.

7. All communications through district-sponsored social media or Board-issued electronic accounts must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.

8. An employee may not link a district-sponsored social media page to any personal online account or sites not sponsored by the school district.

9. An employee may not use district-sponsored social media or Board-issued electronic accounts for communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purposes.

10. An employee may not use district-sponsored social media or Board-issued electronic accounts in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

### **Rules Concerning Personal Online Accounts**

1. The Board understands that employees utilize social media and the web for personal matters in the workplace. The Board of Education reserves the right to monitor all employee use of district electronic communications devices, including a review of online and personal social media activities. An employee should have no expectation of personal privacy in any personal communication made through social media while using district computers, district-issued cellular telephones or other electronic communications devices. While the Board reserves the right to monitor use of its electronic communications devices, employees may engage in incidental personal use of social media in the workplace so long as such use does not interfere with operations and productivity, and does not violate other Board policies.

2. An employee may not mention, discuss, reference or link to the Board of Education, the school district or its individual schools, programs or teams using personal online accounts or other sites or applications in a manner that could reasonably be construed as an official school district communication, unless the employee also states within the communication that such communication is the personal view of the employee of the school district and that the views expressed are the employee's alone and do not represent the views of the school district or the Board of Education. An example of such a disclaimer is: "the opinions and views expressed are those of the author and do not necessarily represent the position or opinion of the school district or Board of Education." For example, except as may be permitted by Board policy, employees

may not provide job references for other individuals on social media that indicate that such references are made in an official capacity on behalf of the Board of Education.

3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. For example, absent an unrelated online relationship (e.g., relative, family friend, or personal friendship unrelated to school), it is not appropriate for a teacher or administrator to “friend” a student or his/her parent or guardian or otherwise establish special relationships with selected students through personal online accounts, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.

4. In accordance with the public trust doctrine, employees are advised to refrain from engaging in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications through personal online accounts. Such communications reflect poorly on the school district’s reputation, can affect the educational process and may substantially and materially interfere with an employee’s ability to fulfill his/her professional responsibilities.

5. Employees are individually responsible for their personal communications through social media and personal online accounts. Employees may be sued by other employees, parents or others, and any individual that views an employee’s communication through social media and personal online accounts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. In addition, employees should consider refraining from posting anything that belongs to another person or entity, such as copyrighted publications or trademarked images. As all of these activities are outside the scope of employment, employees may be personally liable for such claims.

6. Employees are required to comply with all Board of Education policies and procedures with respect to the use of electronic communications devices when accessing personal online accounts and/or social media through district computer systems. Any access to personal online accounts and/or personal social media activities while on school property or using school district equipment must comply with those policies, and may not interfere with an employee’s duties at work.

7. All communications through personal online accounts and/or social media must comply with the Board of Education’s policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.

8. An employee may not post official Board of Education material using a personal online account without written permission of his/her supervisor.

9. All of the Board of Education’s policies and administrative regulations apply to employee use of personal online accounts in the same way that they apply to conduct that occurs in the workplace and off duty conduct.



### **Access to Personal Online Accounts**

1. An employee may not be required by his/her supervisor to provide his/her username, password, or other means of authentication of a personal online account.
2. An employee may not be required to authenticate or access a personal online account in the presence of his/her supervisor.
3. An employee may not be required to invite or accept an invitation from his/her supervisor or required to join a group with the employee's personal online account.

### **Use of Crowdfunding Activities**

Prior to engaging in any crowdfunding activities (e.g. DonorsChoose, Kickstarter, GoFundMe, etc) for the Board of Education, its schools, classes, or extracurricular teams or clubs, an employee must first apply in writing to the building principal and receive approval for the crowdfunding activity. Such written application must include the name of the website or application to be utilized, a full description of the reason for the crowdfunding activity, a copy of the proposed personal profile to be listed on the site/application, and the proposed content to be uploaded to the crowdfunding website or application, including images. Any money received from crowdfunding activities must be deposited directly into a school activity fund and may not first be received by the employee. Crowdfunding activities must comply with all Board of Education policies, regulations and procedures, and shall not include photos of students or the sharing of any confidential student information.

### **Disciplinary Consequences**

Violation of the Board's policy concerning the use of social media or these administrative regulations may lead to discipline up to and including the termination of employment consistent with state and federal law.

An employee may face disciplinary action up to and including termination of employment if an employee transmits, without the Board's permission, confidential information to or from the employee's personal online account.

An employee may not be disciplined for failing to provide his/her username, password, or other authentication means for accessing a personal online account, failing to authenticate or access a personal online account in the presence of his/her supervisor or failing to invite his/her supervisor or refusing to accept an invitation sent by his/her supervisor to join a group affiliated with a personal online account, except as provided herein.

Notwithstanding, the Board may require that an employee provide his/her username, password or other means of accessing or authenticating a personal online account for purposes of

**R - 4118.61(f)**

accessing any account or service provided by the Board for business purposes or any electronic communications device supplied by or paid for, in whole or in part, by the Board.

Nothing in this policy or regulations shall prevent the district from conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about an activity on an employee's personal online account or based on specific information about the transfer of confidential information to or from an employee's personal online account. During the course of such investigation, the district may require an employee to allow the district to access his or her personal online account for the purpose of conducting such investigation. However, the employee will not be required to provide his/her username and/or password or other authentication means in order for the district to access the personal online account.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

ADOPTED: October 8, 2019

REVISED: \_\_\_\_\_

## **Personnel**

**4118.62**

### **Bring Your Own Device (“BYOD”) Policy**

Hartford Public Schools believes that technology should play a vital role in meeting the needs of the broad range of abilities, disabilities, cultural backgrounds and ethnic populations presented in District schools. To assure that technology shall play a predominant role, this policy provides guidance for appropriate personal technology utilization and integration into the curriculum, as well as infusion into School/District administration and management.

Students and staff, with authorization, will be permitted to access the District’s wireless network with their personal devices. Students, staff, and visitors may use their own devices to access the Internet, collaborate with other students and engage in appropriate educational activities. Although students are permitted to use their own devices, they are not required to do so.

#### **Purpose**

Hartford Public Schools shall permit the use of personally-owned, internet-connected technology (known as Bring Your Own Device, or “BYOD”) for the following purposes:

- a. To enhance student engagement and support staff and student success.
- b. To foster and support innovation and experimentation in the transformation from a traditional approach to teaching, learning, and education management to a technology-infused model meeting the needs of the broad range of abilities, disabilities, cultural backgrounds, and ethnic populations represented in Hartford Public Schools.
- c. To establish and maintain guidelines and procedures for appropriate technology utilization and infusion in the classroom, in the schools, in school and district administration and management, and in planning and evaluation to more effectively prepare students for the transition from school to work for success in the workplace.

#### **Definition of “Device”**

For purposes of BYOD, a “device” means privately owned wireless and/or portable electronic hand-held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart phones, tablets, laptops, wearable technologies, portable internet devices, Personal Digital Assistants (PDAs), hand-held entertainment systems, or portable information technology systems that can be used for word processing, wireless internet access, image capture/recording, sound recording and information transmitting/receiving/storing.

#### **Internet**

The only internet gateway that may be accessed while in Hartford Public Schools is the one provided by the District. Any device brought to the District will not be permitted to use outside internet sources.

Personal internet connective gateways, such as, but not limited to, cell phones/cell network adapters, are not permitted to be used to access outside internet sources at any time.

Virtual Private Networks (VPNs) shall not be used unless provided by the District, and recommended for the specific purpose they are used for (e.g., accessing on-premises District systems with authorization).

### **Bring Your Own Device/Technology Student and Parent Agreement**

The use of technology to provide educational material is not a necessity, but a privilege. A student does not have the right to use his/her electronic device while at school. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole.

Students and parents/guardians should be aware that if the student brings her or her own device, he/she must adhere to the Student Code of Conduct, as well as all applicable Hartford Public Schools policies, particularly the Acceptable Use policies linked below.

Student AUP - 5171.1 [https://www.hartfordschools.org/wp-content/uploads/2019/10/5000\\_Series\\_Students\\_Updated\\_04162019B.pdf](https://www.hartfordschools.org/wp-content/uploads/2019/10/5000_Series_Students_Updated_04162019B.pdf)

Staff AUP - 4118.6 [https://www.hartfordschools.org/wp-content/uploads/2018/09/4000\\_Series\\_Personnel\\_Updated\\_07242018.pdf](https://www.hartfordschools.org/wp-content/uploads/2018/09/4000_Series_Personnel_Updated_07242018.pdf)

Staff will be responsible for educating, supervising, and monitoring the appropriate usage of personal devices used to access the District's online computer and telecommunications network(s) and will ensure that the Internet is accessed in accordance with this policy, the Children's Internet Protection Act (CIPA), the Family Educational Rights and Privacy Act (FERPA), and the Children's Online Privacy Protection Act (COPPA), and CT General Statute PA-16-189.

In schools, the use of personal devices is strictly at the discretion of the teachers and building administrators.

### **Security, Support and Damages**

The responsibility to keep personal BYOD devices secure rests with the individual owner. Hartford Public Schools is not liable for any personal device stolen or damaged, either on or off campus. If a device is stolen or damaged, it will be handled through the administrative office in accordance with procedures for other personal items that are stolen or damaged. It is recommended that skins, etching, decals, and other custom touches be used to physically identify a student's device from others. Additionally, protective cases for technology are encouraged.

Hartford Public Schools may, but is not required, to provide limited support for personal BYOD devices. The scope of this support is restricted to ensuring connectivity to the Hartford Public Schools network, used as a gateway for Internet access. Support is limited to devices that meet the supported minimum hardware and software specifications found at this link: [ADDENDUM - Minimum Supported Specifications](#).

### **Acceptable use of Computer Network and Online Telecommunications**

Individuals who use District-owned or leased technology, applications, networks, or telecommunications infrastructure and systems agree to abide by the terms and tenets of this policy. The Hartford Public Schools does not warrant network or telecommunications functionality nor the accuracy of information, nor does it warrant the effectiveness of Internet filtering. No expectation of privacy is created or intended to be created by this Policy. Users of systems, networks, and telecommunications systems must recognize that all content created or stored utilizing District technology may be subject to monitoring for compliance with School Board policies and applicable laws.

### **Goals for Technology use and Internet Safety**

1. Prevent user access over its computer and telecommunications network(s) to, or the transmission of, inappropriate material via Internet, electronic mail, instant messaging systems, social networks, or other forms of direct electronic communications;
2. Prevent unauthorized access or other unlawful online activity including, but not limited to, the "hacking" of systems within and outside of the District's enterprise;
3. Prevent unauthorized online disclosure, use, alteration, or dissemination of personally identifiable information of students or confidential information of staff;
4. Comply with the Children's Internet Protection Act (CIPA), the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA) and all applicable laws;
5. Prevent the use of its computer and telecommunications network(s) for the purpose of harassment, unlawful discrimination, cyberbullying, cyberstalking and other unlawful activities; and
6. Protect students and staff from inappropriate, unlawful or unauthorized communications from individuals, including School Board employees.

### **4118.62 (d)**

7. Anyone using personally owned technology devices and/or telecommunications services on property owned by Hartford Public Schools must do so in accordance with the terms and tenets of this policy and the published "Personally Owned Device Guidelines". The latest version of the "Personally Owned Device Guidelines" will be posted on [ADDENDUM - Minimum Supported Specifications](#).
8. Ensure that all users abide by all terms of the Student Code of Conduct.

### **Compliance**

Students, employees, and community members/visitors using School Board equipment, networks, or telecommunications infrastructure or systems, on-site or off-site, must conform to the requirements of this policy.

Failure to adhere to, and conform online activities with, any provisions of this policy may subject users to some or all of the following: warnings, usage restrictions, disciplinary actions, or legal proceedings. Disciplinary actions will be taken consistent with the [Student Code of Conduct](#).

### **Expectation of Privacy**

No expectation of privacy is created or intended to be created for any users or participants of the Hartford Public Schools network or other virtual platforms used for any purpose, including, but not limited to public, online, virtual classrooms. All users and participants shall recognize

**4118.62 (d)**

and are hereby noticed that any and all content created or stored utilizing the Hartford Public Schools network or platform, or any other network or platform, may be subject to monitoring and recording for compliance with District policies and applicable laws.

Legal Reference: Connecticut General Statutes  
10-221 Boards of education to prescribe rules

Policy adopted: December 15, 2020

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

**ADDENDUM - Minimum Supported Specifications**

<b>SPECIFICATION</b>	<b>MINIMUM SUPPORTED</b>
Operating System	<ul style="list-style-type: none"> <li>• Windows 10</li> <li>• Mac OS 10.13 (High Sierra)</li> <li>• Android 9.x</li> <li>• iOS 12.x</li> <li>• Chrome 83 OS</li> </ul>
Browsers	<ul style="list-style-type: none"> <li>• Microsoft Edge</li> <li>• Safari</li> <li>• Firefox</li> <li>• Chrome</li> </ul>
Antivirus Protection	<ul style="list-style-type: none"> <li>• Devices connecting to the District network should have antivirus protection software loaded on the device.</li> </ul>
RAM	<ul style="list-style-type: none"> <li>• 2 GB or greater</li> </ul>
Hard Disk Drive (HDD) Storage	<ul style="list-style-type: none"> <li>• 32 GB or greater</li> </ul>
Processor	<ul style="list-style-type: none"> <li>• Celeron or higher (x86/Win)</li> <li>• 1 Ghz or higher</li> <li>• 64-bit chip architecture</li> </ul>
Wifi	<ul style="list-style-type: none"> <li>• 802.11a/b/g/n compatible or greater</li> </ul>

Please note that the District expects personal devices to be properly disinfected daily according to manufacturer, CDC, American Academy of Pediatrics, and other applicable guidelines.

Links:

<https://support.apple.com/en-us/HT204172>

<https://www.cdc.gov/flu/school/cleaning.htm>

<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

<https://downloads.aap.org/AAP/PDF/COVID-19%20School%20Re-entry%20Interim%20Guidance%20FINAL%20062520.pdf>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2532878/>

## Personnel

### Prohibition on Recommendations for Psychotropic Drugs

In accordance with Conn. Gen. Stat. § 10-212b, the Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 USC 801 et seq.) in order for the child to: 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child's eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health or mental health personnel may recommend that a child be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents or guardian of such child, in accordance with the procedures outlined below.

#### I. Definitions

- A. Psychotropic drugs means prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication, and anti-depressants.
- B. Recommend means to directly or indirectly suggest that a child should use psychotropic drugs.
- C. School health or mental health personnel means:
  - 1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;
  - 2. the HPS Medical Advisor/Director;
  - 3. school psychologists;
  - 4. school social workers;
  - 5. school counselors;
  - 6. school administrators;
  - 7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
  - 8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

#### II. Procedures

- A. School health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in



#### 4118.7 (b)

sharing such information; and 2) such communication shall remain confidential, to the extent required by law.

- B. School health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person's professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child's education and overall mental health; and 2) any communication includes the basis for the recommendation.
- C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.
- D. Any school personnel with a legitimate educational interest in obtaining information from a child's medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child's parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must: 1) be signed by the child's parent or guardian; 2) be dated; 3) provide the child's name; 4) provide the name of the medical practitioner and relevant contact information, to the extent known; and 5) indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance with the Section II.D., above. Nothing in this policy shall prevent a planning and placement team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child's (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

#### Legal References:

Conn. Gen. Stat. § 10-212b  
Public Act 06-18, An Act Concerning Special Education

34 C.F.R. § 300.174 Prohibition on mandatory medication.

Policy adopted: November 1, 2005  
Revised: June 21, 2016

HARTFORD PUBLIC SCHOOLS  
Hartford, Connecticut

## Personnel Certified/Non-Certified

### Bullying

The Hartford Public Schools has the responsibility to maintain a safe school environment for everyone. To ensure that no person ever feels threatened or intimidated by others, the school district expressly forbids any form of bullying behavior.

#### Definitions:

Bullying means any **overt acts over time with the intent to ridicule, humiliate, or intimidate another person**. Bullying could include such behaviors as physical intimidation or assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks, gestures, actions, cruel rumors; false accusations; and social isolation.

School-sponsored activity means any activity that the Board of Education sponsors, recognizes or authorizes on or off school property, including travel between home and school.

Students who engage in bullying behavior shall be subject to school discipline that may include expulsion in accordance with the Board's policy on student discipline. **Personnel policies and practices will guide any disciplinary action against an employee.**

To implement this policy, the Board of Education directs the Superintendent to develop and adopt regulations no later than February 1, 2003 to address the existence of bullying in the schools. As provided by statute, these regulations will:

- Enable students to anonymously report acts of bullying to teachers and school administrators;
- enable the parents or guardians to file written reports of suspected bullying with the principal;
- require teachers and other school personnel who witness acts of bullying or receive student written reports of bullying to notify school administrators;
- require school administrators to investigate any reports, including any that are anonymous;
- include an intervention strategy for school staff;
- require school administrators to provide in writing to the parents of both the aggressor and the victim, a description of the school's staff and administration response to the bullying behavior and the consequences that may result from the commission of any further acts of bullying;
- maintain a list that is available to the public of all verified acts of bullying.

#### 1. Intervention by a staff member

School district employees who become aware of an act of bullying will take immediate and appropriate steps to intervene. If the intervention threatens their personal safety, they should immediately report the incident to a school administrator. If the intervention has not

## **Bullying (cont)**

resolved the matter and the bullying persists, the staff member will report the bullying to the school administration for further investigation.

### **2. Reporting**

The district expects parents, students, and others who become aware of an act of bullying in school, on school buses, or at school-related activities would report in writing the bullying behavior to the principal. Teachers and administrators will accept anonymously written reported acts of bullying from students.

### **3. Investigation Procedures**

If the school administrator determines that the reported incident of student bullying warrants investigation, the administrator will contact the parents of both the aggressor and the victim, interview both or more students, and thoroughly investigate the report. This investigation may also include interviews with the students, parents, and school personnel; review of school records; and whatever other information may be necessary to determine an appropriate response. The school administrator will investigate any incident of bullying behavior by an adult.

### **4. Consequences and Administrative Intervention**

Consequences for students who bully others will depend on the results of the investigation and may include an administrative discipline conference with the student; a parent conference; detention; suspension and/or expulsion; or any other appropriate consequence. Depending on the severity of the incident, the principal may also take appropriate steps to ensure student safety. These may include implementing a safety plan; separating and supervising students involved; providing support for students as necessary; reporting incidents to law enforcement; and developing a supervision plan with the parents. Care must be taken to decipher between an act of bullying that involves power imbalance versus conflict among individuals or groups, which may be resolved through a peer mediation process.

Any student who retaliates against another for reporting bullying may be subject to appropriate disciplinary consequences.

Consequences for employees who bully others will depend upon the results of the administrative investigation and be consistent with appropriate personnel policies and practices. Such consequences could range from a verbal warning up to and including termination of employment.

### **5. Notification**

The school administration will notify both the parents or guardians of student(s) who committed any verified act of bullying and the parents or guardians of students against whom such acts were directed. This notification will include the school's response to such act and any consequences that may result from the commission of such further acts.

**Bullying (cont)****6. Record Keeping**

The school administration will maintain a list of verified acts of bullying and make such list available to the public for inspection. The list of incidents will not include the names of the aggressor or victim.

**7. Publication**

The Board of Education policy statement will be published in all student-parent school handbooks and distributed to all school district employees.

**8. Education and Prevention**

The school administration will ensure that all persons are aware of the Board's prohibition of bullying, reporting procedures, and consequences of such acts.

School principals will establish a climate in the school in which all employees work together to reduce bullying behavior, model non -physical and consistently enforced measures of discipline as opposed to ridicule, sarcasm, yelling at students, or ignoring bullying behavior. All employees need to model and encourage praise and kindness to one another. Students need to learn the social skills necessary to make friends and become confident and resourceful. Students also need to learn how to resolve arguments other than using violent words and actions.

Legal Reference: Public Act No. 02-119

**Personnel – Certified**

**Student Teachers/Interns**

**Student Teachers**

The board of education will accept student teachers to teach in Hartford classrooms. The superintendent or his/her designee will create appropriate procedures for the supervision of these teachers.

## **Personnel -- Certified**

### **Student Teachers/Interns**

Placement of student teachers with cooperating teachers is arranged in consultation with the University supervisor, the building administrator, and the teacher. Placements are made according to the subject area and grade level of the student teacher.

Under the guidance of the facilitator, a district selection committee comprised of a majority of classroom teachers, recommend qualified teachers to serve as potential cooperating teachers.

Teachers recommended to serve as cooperating teachers must meet the following prerequisites:

1. Possession of a professional educator certificate;
2. Employment as a full-time classroom teacher by the Hartford Public Schools during at least one school year within the last two years;
3. Ability to work cooperatively as team members to aid the professional growth of student and beginning teachers;
4. Professional commitment to improving the induction of student and beginning teachers into the teaching profession;
5. Ability to relate effectively to adult learners;
6. Ability to be reflective and articulate about the craft of teaching; and

**Personnel -- Certified**

**Professional Staff Development**

The board of education believes that professional development is essential to ensure the highest quality education for the children enrolled in the Hartford Public Schools.

**Personnel -- Certified****Publication or Creation of Materials**

Professional staff members shall be encouraged to write and publish educational materials whether it be for local use, periodicals or books.

Staff members are encouraged to contribute professional articles and news items to local, State and national agencies. As a matter of professional ethics, all professional articles should be cleared through the office of the superintendent of schools in the event that the school system or any of its separate departments is mentioned.

**Copyrights and Patents**

Materials created by staff at the instigation and/or direction of superiors and/or during work-time shall be considered "work made for hire" under Sections 201(b) and 101 of the Copyright Act and shall be solely the property of the school district.

It is also understood that educational materials created by an employee during the employee's leisure hours when the employee is not fulfilling his/her contractual duties to the school district are the property of the employee.



**Personnel -- Certified/Non-Certified**

**Soliciting and Selling**

No board of education funds, including school activity funds, shall be used to support charity contributions or personal gifts or any non-school activities.

**Collections, Contests, and Drives**

Approval by the superintendent shall be required for participation by schools in collections, contests, and drives. Every effort shall be made to keep collections, contests, and drives at a minimum to avoid interference with the regular school program.

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**Personnel -- Certified/Non-Certified**

**Solicitation of Staff Members**

Outside groups shall not be permitted to solicit among the staff for any purpose.

## **Personnel -- Certified/Non-Certified**

### **Non-School Employment**

Personnel of the schools may receive compensation for activities outside of the compensated work time as long as these activities do not interfere with the proper discharge of their assigned duties, do not constitute a conflict of interest, or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a business-like and ethical manner.

All employees shall notify the superintendent of outside activities that may interfere with the performance of normal duties.

If an outside activity occurs during compensated work time and the superintendent permits the employee to participate, any compensation given the employee shall be remitted to the district.

**Personnel -- Non-Certified**

**Evaluation/Supervision**

The board of education endorses a continuous process of evaluation of all employees of the school district.

It is also the intention of the board of education that all employees receive supervision to insure that all aspects of their job assignments are properly and competently performed.

## **Personnel – Certified/Non-Certified**

### **Family and Medical Leave**

#### 1. Purpose

The purpose of this policy is to establish guidelines for leaves taken by employees of the Board under the Federal Family and Medical Leave Act of 1993.

#### 2. Eligibility

Employees who have worked for the Board for at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

#### 3. Reasons For Leave

Leaves under the FMLA may be taken for the following reasons:

- a. the birth and/or care of the employee's newborn child, or
- b. the placement of a child with the employee by adoption or for foster care; or
- c. to care for the employee's spouse, child or parent who has a serious health condition; or
- d. to care for the employee's own serious health condition that renders the employee unable to perform the functions of his or her position.

#### 4. Length Of Leave

If a leave is requested for one of the above-listed reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in any 12-month entitlement period.

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

## Personnel – Certified/Non-Certified

### Family and Medical Leave (continued)

#### 5. Types of Leave and Conditions

##### a. Full-time, Intermittent, and Reduced Schedule Leave

Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. Full-time leave excuses the employee from work for a continuous period of time.

Intermittent leave means leave taken in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent .

An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Superintendent or his/her designee.

If intermittent or reduced schedule leave is medically required, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period).

##### b. Both Spouses Working for the Same Employer

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

## Personnel – Certified/Non-Certified

### Family and Medical Leave (continued)

#### c. Leave Taken by Instructional Employees Near the End of an Academic Term

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

#### 6. Requests For Leave

Requests for a family or medical leave must be submitted to the personnel department at least thirty (30) days before the leave is to commence, if possible. If thirty (30) days notice is not possible, requests must be submitted as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form before the leave begins if possible. This form may be obtained from the personnel department. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen. (15) calendar days of the employer's request for the medical certification.

## Personnel – Certified/Non-Certified

### Family and Medical Leave (continued)

If an employee takes leave to care for his or her own serious health condition, immediately upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the functions of the job. This certification must be submitted to the personnel department.

#### 7. Use of Paid Leave

Accrued paid personal leave and accrued paid vacation may be substituted for any unpaid portions of family or medical leave taken for any reason at the board's discretion. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

#### 8. Medical Insurance and Other Benefits

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board Policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under Board's attendance policy.

#### 9. Reinstatement

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.



**Personnel – Certified/Non-Certified**

**Family and Medical Leave** (continued)

10. Additional Information

Questions regarding family or medical leave may be directed to the Superintendent or his/her designee.

Legal References: United States Code 29 U.S.C - Section 2601 et seq.