

HARASSMENT OF EMPLOYEES

POLICY STATEMENT:

The St. Johnsbury School District is committed to providing all employees a safe and supportive work environment in which all members of the school community are treated with respect. Harassment is a form of unlawful discrimination as well as disrespectful behavior, which will not be tolerated.

The St. Johnsbury School District shall provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment as defined and otherwise prohibited by state and federal law.

DEFINITIONS:

1. **Adverse Action:** : Includes any form of intimidation, reprisal, or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits, or other disciplinary action in the case of employees.
2. **Employee:** For purposes of this policy, an employee includes any person employed directly or through a contract with another company by the School District, agents of the school, School Board members, and any student teacher, intern, school volunteer or work study student.
3. **Harassment:** Harassment means unlawful harassment and constitutes a form of discrimination. It is verbal or physical conduct based on an employee's race, religion (creed), color, national origin, marital status, sex, sexual orientation, age, ancestry, place of birth, or disability, which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile, or offensive environment.
4. **School Community:** Includes but is not limited to all school employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
5. **Sexual Harassment:** Is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - o Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - o Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
 - o Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

EXAMPLES:

Harassment can include any unwelcome verbal, written, or physical conduct, which offends, denigrates, or belittles an individual because of an employee's race, creed (religion), color, national origin, marital status, sex, sexual orientation, age, ancestry, gender identity, or disability. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning

comments, or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

Sexual Harassment

Sexual harassment may include, but is not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal, or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Racial and Color Harassment

Racial or color harassment can include unwelcome verbal, written, or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

Religious or Creed Harassment

Harassment on the basis of religion or creed includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, religious clothing, religious slurs, or graffiti.

National Origin Harassment

Harassment on the basis of national origin includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

Marital Status Harassment

Harassment on the basis of marital status includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation includes unwelcome verbal, written, or physical conduct directed at the characteristics of a person's sexual orientation such as negative name calling and imitating mannerisms.

Disability Harassment

Harassment on the basis of a person's disabling mental or physical condition includes any unwelcome verbal, written, or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement, or interference with necessary equipment.

Harassment includes, but is not limited to, examples cited in this policy.

REPORTING:

1. **Mandatory:** It is the express policy of the St. Johnsbury School District to encourage employee targets of harassment and employees who have first-hand knowledge of such harassment to report such claims. Employees who witness or are targets of harassment shall report the incident(s) immediately to their immediate supervisor or another administrator who is not the subject of the complaint as may be appropriate under the circumstances. Targets of harassment should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.
2. **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.
3. **Retaliation:** There will be no adverse action taken against a person for making a complaint of harassment when the complainant honestly believes harassment has occurred or is occurring, or for participating in or cooperating with an investigation. Any individual who retaliates against any employee or student who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment complaint will be subject to discipline by the School District.

ADMINISTRATIVE RESPONSIBILITY AND ACTION:

1. **Reporting:** An employee who receives a complaint of harassment shall promptly inform the Principal, the Superintendent, or another administrator who is not the subject of the complaint.
2. **Investigation:** The School District is responsible for acting on any information regarding harassment of which it is aware. The Superintendent, acting as the **School District Equity Coordinator**, shall provide for a thorough, prompt investigation of the incident; the investigation and written report shall be completed in a timely fashion in accordance with school procedures after a report or complaint, formal or informal, written or oral, has been received. No person who is the subject of a complaint shall conduct such an investigation.
3. **Final Action on Complaint:** The School District shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to, education, training, counseling, transfer, suspension, and/or termination of an employee.
4. **False Complaint:** Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action up to and including discharge of employees.
5. **Appeal:** A person judged to be in violation of this policy and subjected to action under it may appeal the determination and/or the action taken in accordance with procedures adopted under this policy. The procedures shall be consistent with the provisions of any applicable collective bargaining agreement.
6. **Dissemination:** The Superintendent shall use all reasonable means to inform employees that the District will not tolerate harassment. A copy of this policy shall be provided to students, staff and parents each year and shall be included in the Faculty/Staff Handbook that is disseminated to all school staff each year.

7. **Training:** The Superintendent shall develop methods of discussing the meaning and substance of this policy with staff in order to help prevent harassment. Training may be implemented in the context of employee professional development to develop broad awareness and understanding among all members of the school staff.

Legal Reference(s): 9 V.S.A. §§4502 et seq. (Public Accommodations)
16 V.S.A. 11(a)(26) (Definitions)
21 V.S.A. §§495 et seq. (Unlawful Employment Practice, Sexual Harassment)
42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)
29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

Cross Reference: Harassment of Students (F20)
Board Commitment to Non-Discrimination (C6)

DATE WARNED: OCTOBER 5, 2007
DATE ADOPTED: OCTOBER 15, 2007