

Rutland Windsor Supervisory Union Ludlow Elementary School District Mount Holly Elementary School District Plymouth School District Union #39 School District	HARASSMENT OF EMPLOYEES	Policy D12
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It is the policy of the Rutland Windsor Supervisory Union, Ludlow Elementary School District, Mount Holly Elementary School District, Plymouth School District and Union #39 School District (hereinafter “District”) to provide all employees a safe, supportive, and respectful work environment. Harassment, a form of unlawful discrimination prohibited by state and federal law, will not be tolerated within the school community. Disrespectful behavior will also not be tolerated.

The 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 below and shall encourage employee targets of harassment and employees who have first-hand knowledge of such harassment to report such incidents to appropriate persons in authority.

I. 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 negatively affecting the working conditions of any employee(s).
2. **Employee:** For purposes of this policy, an employee includes any person employed directly or through a contract with another company by the District, agents of the schools, 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, gender identity, familial status, sexual orientation, age, disability, ancestry, or place of birth 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 students, school employees, contractors, unpaid volunteers, work study students, interns, student teachers, parents or guardians, 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:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - B. 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
 - C. 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.

II. Examples:

Harassment includes, but is not limited to, the examples cited below.

- 1. Harassment:** Harassment may 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, gender identity, familial status sexual orientation, age, ancestry 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.
- 2. 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.
- 3. Racial and Color Harassment:** Racial or color harassment may 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.
- 4. Religion or Creed:** 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. Examples are derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs or graffiti.
- 5. National Origin:** Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin. Examples are negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.
- 6. Marital Status:** Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status. Examples are comments regarding pregnancy or being an unwed mother or father.
- 7. 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.
- 8. Disability:** 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.

III. Reporting

Employees who witness, or who are targets of harassment, shall report the incident(s) immediately to their supervisor or any another administrator who is not the subject of the complaint, as may be appropriate under the circumstances. Employees who are targets of harassment should, whenever practicable, directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and **must** stop immediately.

1. **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on any results of the investigation.
2. **Retaliation:** No adverse action shall be 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 appropriate discipline by the District.

IV. Administrative Responsibility and Action

1. **Reporting:** An employee who receives a complaint of harassment shall promptly inform the Principal (or designee) or any other administrator who is not the subject of the complaint.
2. **Investigation:** The District are responsible for acting on any information regarding a reported harassment. The Superintendent 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 applicable 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 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 expulsion of a student and 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, or suspension and expulsion of students.
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 students, employees, and the community that the District will not tolerate harassment. This policy shall be made available to students, staff, and parents each year and shall be included or summarized in appropriate materials that are disseminated to the school and community.

7. Training: The Superintendent or his/her designee 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 and the school curriculum to develop broad awareness and understanding among all members of the school community.

8. Other Resources: Interested persons may contact the Equal Employment Opportunity Commission at the following places:

Legal References:

- 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)

District:	Reviewed only	Date Warned	Date Adopted	Replaces Policy
Rutland Windsor Supervisory Union		April 23, 2008	June 5, 2008	D12
Ludlow Elementary School District		January 28, 2008	February 12, 2008	CL
Mount Holly School District		February 29, 2008	March 17, 2008	CL
Plymouth School District		February 29, 2008	April 7, 2008	CL
Union #39 School District		February 9, 2008	February 20, 2008	CL