



Reading Elementary School
632 VT Route 106, P.O. Box 176
Reading, Vermont 05062
802-484-7230 • Fax 802-484-3818

CODE: D12

HARASSMENT OF EMPLOYEES POLICY

STATEMENT OF POLICY

The Reading Elementary School Board 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 Reading Elementary School 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.

A. DEFINITIONS

Adverse Action: Includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and 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.

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 or school volunteer.

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 or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.

The terms "**intimidating**," "**hostile**," and "**offensive**" include conduct, which has the effect of causing humiliation, embarrassment, or discomfort.

School Community: Includes but is not limited to all students, school employees, contractors, volunteers, work study students, interns, student teachers, and visitors.

Sexual Harassment: Is a form of sexual discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of individual's employment; or
- Submission to or rejection of such conduct by an individual is used as a component of employment decisions affecting such individual; or
- 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.

B. 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 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.

Examples of sexual harassment include, but are 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.

Additional examples of specific types of harassment are found at the end of this policy. Harassment includes, but is not limited to, the examples cited in this policy.

Examples of Specific Types of Prohibited Harassment

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, or religious clothing, or 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.

Off-Duty Harassment

Off-duty conduct which falls within the above definition and affects the work environment.

C. REPORTS

- **Mandatory:** It is the express policy of Reading Elementary School to require 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.

- **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.
- **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.

D. ADMINISTRATIVE RESPONSIBILITY AND ACTION

Reporting: An employee who receives a complaint of harassment shall promptly inform the principal (or designee), the superintendent of schools or another administrator who is not the subject of the complaint.

Investigation: The School District is responsible for acting on any information regarding harassment of which it is aware. The superintendent shall provide for a thorough and 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.

Final Action on Complaint: The School District shall take disciplinary or remedial action as appropriate. 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 in order to ensure that further harassment does not occur.

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.

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.

Dissemination: The superintendent shall use all reasonable means to inform students, employees, and the community 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 appropriate materials that are disseminated to the school and community.

Training: The principal, under the supervision of the superintendent, shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment. Training may be implemented in the context of employee professional development and the school health curriculum adopted in July 1999 to develop broad awareness and understanding among all members of the school community.

Reading Elementary School Board:

Warned: May 8, 2000

Adopted: June 5, 2000

PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT OF EMPLOYEES

To Accompany Policy Code D12

The Reading Elementary School hereby adopts the following administrative procedures to implement the School District's policy with respect to unlawful harassment of employees.

A. REPORTING, RESPONSE AND MONITORING

1. To principal (or designee), or superintendent

Any adult school employee who witnesses or receives a report, formal or informal, written or oral, of harassment at school or during school-sponsored activities shall report it to the principal. If the report involves the school principal, the reporter shall make the report directly to the School District Equity Coordinator (or Superintendent).

2. Principal's duty

Upon receipt of a report of harassment, the principal shall decide whether to retain and act upon it at the school site or to forward it directly to the School District Equity Coordinator.

a. *Retained by principal.* If the principal acts upon the report at the school site and if the matter is not resolved informally, in accordance with Section B below, he or she shall forward to the School District Equity Coordinator, within 5 calendar days, a report of any action taken.

b. *Forwarded to School District Equity Coordinator.* If the principal decides to forward the complaint to the School District Equity Coordinator, he or she shall do so immediately, without screening or investigating the report. The principal may request, but not insist upon, a written complaint. The principal shall forward to the School District Equity Coordinator:

- (i) a written statement of the complaint within 24 hours; and
- (ii) any available supporting documentation as soon as practicable.

3. Monitoring

The principal shall inform all parties even if allegations are not substantiated. The principal will monitor subsequent behavior of those involved to ensure there is no harassment or retaliation

4. School District Equity Coordinator

There shall be one individual within the School District/Supervisory Union designated as the School District Equity Coordinator to receive reports of harassment. If the report involves the School District Equity Coordinator the reporter shall refer the complaint directly to the coordinator designee or any other administrator. The School

District/Supervisory Union shall prominently post the name, mailing address and telephone number of its Equity Coordinator and designee. For this school year the Equity Coordinator is:

Mary Ellen Gallagher
4962 Woodstock Road
Woodstock, VT 05091
802-457-1213

The Equity Coordinator's designee is:

The Reading Elementary School Principal
P. O. Box 176
Reading, VT 05062
802-484-3818

B. INFORMAL INQUIRY AND RESOLUTION

The complainant and the alleged harasser(s) may agree to a meeting facilitated by a school employee. If all parties involved agree the situation has been resolved during such meeting, the facilitator shall report to the principal only that the matter has been resolved informally. If any party involved does not agree that the situation has been resolved, a formal investigation shall be initiated.

C. INVESTIGATION

1. **Who.** Unless the matter is resolved in accordance with Section B, the principal or School District Equity Coordinator or designee shall conduct an investigation upon receipt of a report or complaint alleging harassment.

Care will be taken to protect the identity of the person with the complaint and of the accused part or parties, except as may be reasonably necessary to successfully complete the investigation.

2. **How.** The investigator will interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation.
3. **When.** The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.
4. **Result.** Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the principal or School District Equity Coordinator and the superintendent or, if the complaint involves the Superintendent, directly to the School Board, for appropriate action in accordance with School District disciplinary policy.

D. APPEAL

A person judged to be in violation of the policy on unlawful harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

1. Student

If the person filing the appeal is a student, the appeal shall proceed in accordance with school district policy governing discipline of students and with legal due process requirements.

2. Staff

a. *Applicable collective bargaining agreement.* If the person filing the appeal is an adult school employee who has applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with the person's rights as outlined in that agreement.

b. *Other.* If the person filing the appeal is an adult school employee who does not have applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with school district policy governing employee discipline and with legal due process requirements.

E. RETALIATION

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 21 V.S.A. §495(a)(5).

F. RECORD KEEPING AND NOTIFICATION

1. Record keeping

The Superintendent shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary **or** remedial action taken is maintained by the School District in a confidential file.

2. Notification

The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

G. NOTICE

The Superintendent shall provide notice of the policy on unlawful employee harassment and these procedures to all school employees, students, and to custodial parents or guardians of students. Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed to parents and community members and shall be posted conspicuously in each school. The notice shall:

1. Include examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would constitute unlawful harassment; and

2. Provide the following information about additional methods of pursuing claims of harassment:

A person may make a complaint of harassment by writing or calling the following state or federal agencies.

Vermont Human Rights Commission
133 State Street
Montpelier VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice or tty)

Director, Compliance Division Area II
Office for Civil Rights
U. S. Department of Education, Region I
John W. McCormack Post Office & Courthouse, Rm. 222
Post Office Square
Boston MA 02109
(617) 223-9667

Vermont Attorney General's Office
Civil Rights Unit
109 State Street
Montpelier, VT 05602
((802) 828-3171

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

A complainant has the right to hire a private attorney and to pursue a private legal action in state court within 3 to 6 years (depending on the type of claims raised). Individuals may always seek other remedies through private legal action, criminal prosecution, or private mediation.