

## COLCHESTER SCHOOL DISTRICT

### **POLICY: HARASSMENT OF EMPLOYEES**

**DATE ADOPTED:** April 4, 2017

### **POLICY STATEMENT**

Harassment is a form of unlawful discrimination that will not be tolerated in the Colchester School District. Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising a complaint under this policy or against any witness cooperating in an investigation pursuant to this policy is prohibited.

#### **I. DEFINITIONS**

##### **A. Employee**

For purposes of this policy, any person employed by and subject to the direct supervision of the district. 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.

##### **B. Unlawful Harassment**

Verbal, written, or physical conduct based on a an employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information, physical and/or mental disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.

##### **C. Sexual Harassment**

May include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of that person's employment;
2. Submission to or rejection of such conduct by a person is used as a component of the basis for employment decisions affecting that person; or

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Second Reading: April 4, 2017

3. Such conduct has the purpose or effect of interfering with an individual's employment performance or creating an intimidating, hostile or offensive working environment.

#### **D. Retaliation**

An adverse action taken against a person who engages in protected activity under this policy such as making a complaint of unlawful harassment, reasonably opposing conduct which is unlawful under State and Federal anti-discrimination laws, or for participating in or cooperating with an investigation.

## **II. EXAMPLES**

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information, physical and/or mental disability. Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, circulation of written materials or pictures.

#### **A. Sexual**

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

#### **B. Race and Color**

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, and negative references to racial customs.

#### **C. National Origin and Place of Birth**

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

#### **D. Age**

Age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

**E. 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, such as comments regarding pregnancy or being an unwed mother or father.

**F. Sexual Orientation**

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.

**G. Gender Identity**

Harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

**H. Disability**

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

**I. Genetic Information**

Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

**III. REPORTING****A. Duty to Investigate**

In the event the district receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Colchester School District is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.

**B. Designated Persons**

Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the non-discrimination coordinators or to the principal at the following address and telephone number: The building principal and/or Superintendent shall serve as the nondiscrimination coordinator for the Colchester School District and shall receive reports of unlawful harassment. If the report involves the Superintendent, the reporter shall make the report directly to the School Board.

**C. Investigation**

Allegations of unlawful harassment will be promptly investigated by a non-discrimination coordinator or designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the district or Supervisory Union will take appropriate disciplinary and/or corrective action. The non-discrimination coordinator or designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.

**D. Filing a Complaint.**

Employees are encouraged to report the alleged unlawful harassment as soon as possible to the non-discrimination coordinators or the principal.

**E. Mandatory Report**

Colchester School District employees, including administrators, supervisors, and School Board members, who witness or receive a report, formal or informal, written or oral, of unlawful harassment at school or during school sponsored activities shall report as soon as possible. Under certain circumstances, alleged harassment may also constitute possible abuse under Vermont law. The statutory obligation to report suspected abuse, therefore, may be applicable.

**F. Confidentiality**

The Colchester School District will respect the privacy of the complainant, the individual(s) against whom the report is directed, and the witnesses, to the extent possible consistent with the Colchester School District's obligations to investigate, take appropriate action, and conform with any disclosure obligations. Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

#### IV. ALTERNATIVE COMPLAINT PROCESSES

Employees may file complaints with both the district and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. Complaints should be filed within 300 days of any unlawful harassment. The agencies are:

**Vermont Human Rights Commission**

133 State Street  
Montpelier, VT 05633-0001  
(802) 828-2480

**Vermont Attorney General's Office**

Civil Rights Unit  
109 State Street  
Montpelier, VT 05609-1001  
(802) 828-3171 (voice/TDD)

**Equal Employment Opportunity Commission**

1 Congress Street  
Boston, MA 02114  
(617) 565-3200 (voice), (617) 565-3204 (TDD)

COLCHESTER SCHOOL DISTRICT  
HARASSMENT POLICY DOCUMENTATION FORM

Date Filed: \_\_\_\_\_ Time: \_\_\_\_\_

I. YOUR NAME: \_\_\_\_\_ ACCUSED: \_\_\_\_\_

Description of Incident:

Reported by: \_\_\_\_\_  
Signature

Witness (if applicable): \_\_\_\_\_  
Signature

II. INFORMAL MEETING DOCUMENTATION \_\_\_\_\_ Check: \_\_\_ Successful \_\_\_ Unsuccessful  
Date

Summary of Agreements:

III. NEXT STEPS (check all that apply):

- 1. \_\_\_\_\_ Resolution informally achieved.
- 2. \_\_\_\_\_ Additional informal meeting(s) scheduled.
- 3. \_\_\_\_\_ No resolution. Referred to formal procedure.

SIGNATURES

\_\_\_\_\_  
Party A Date

\_\_\_\_\_  
Party B Date

\_\_\_\_\_  
Witness (if applicable) Date

**CONFIDENTIAL FORM**  
MAINTAINED BY DESIGNATED BUILDING REPRESENTATIVE



4. What redress are you seeking? What outcomes do you expect from this appeal?

5. List any other local, state, or federal agency with whom you are processing this complaint.

Submitted by \_\_\_\_\_ DATE \_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

ROLE (check)  Student  Employee

**FORWARD ONE COPY OF THIS CONFIDENTIAL FORM TO:**

- Your Principal and/or Immediate Supervisor
- Colchester School District Administrative Offices

