

SEXUAL HARASSMENT

I. General Statement of Policy

The School District recognizes sexual harassment to be a form of sex discrimination which is against the law. It is the policy of the District to provide a learning and working environment which promotes respect of the dignity and worth of all its members and which is free from sexual harassment.

All members of the District are expected to contribute to an environment free of sexual harassment. It shall be a violation of this policy for any student or employee of the District to harass a student or employee through conduct or communication of a sexual nature as defined by this policy.

The District takes seriously and will respond to any complaint of sexual harassment. The District recognizes that there are different levels of intervention and response to complaints of sexual harassment. The purpose of taking action is 1) to stop behavior which is offensive to an individual and to the school community; and 2) to educate the individual and the school community.

This policy is in effect for all school-sponsored events and applies to all employees and students of the District. It also applies to behavior by non-school personnel toward employees and students on school ground, in school facilities, and at school-sponsored events.

The District is committed to implementing this policy by training staff, by educating students of all ages, by publicizing procedures for responding to sexual harassment and by taking appropriate action.

II. Sexual Harassment Defined

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal, written, or physical conduct or communication of a sexual nature made by any employee to a student, made by any employee to another employee, or made by any student to another student or to an employee when:

1. Submission to such conduct or communication is made, either explicitly or implicitly, a term or condition of retaining employment or of obtaining an education; or

2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.

B. Sexual harassment can include but is not limited to:

1. verbal abuse or harassment;
2. pressure for sexual activity, either subtle or explicit;
3. unwelcome touching;
4. sexually suggestive or obscene written or visual material publicly displayed or directed at another;
5. intentional brushing against another person's body;
6. suggestions or demands for sexual involvement accompanied by implicit or explicit threats concerning an individual's employment or educational status;
7. suggestions or demands for sexual involvement accompanied by implicit or explicit promises of preferential treatment with regard to an individual's employment or educational status.

III. Responding to Sexual Harassment:

A person who feels he/she has been the victim of sexual harassment by a student or an employee of the District has the following options:

He/she may communicate directly to the offender that his/her conduct is unwelcome, offensive, in poor taste, and/or inappropriate.

If a person feels uncomfortable confronting an offender, he/she is invited to bring the situation to the attention of another member of the school community. A student should consider discussing the incident with an adult such as a teacher, guidance counselor, principal, or parent.

A person may choose to report the alleged acts to the School District official designated by the procedures which accompany this policy. A report will result in a formal investigation of the incident. The purpose of an investigation is to determine whether the offending behavior falls within the definition of sexual harassment and whether disciplinary action is warranted.

In determining what action should be taken when sexual harassment occurs, the School District will consider the surrounding circumstances, the nature of the sexual

advances, the relationships between the parties involved, the ages of the parties involved, and the context in which the alleged incident(s) occurred.

The School District will handle all complaints with the utmost discretion and will act to ensure that due process is followed.

A complaint or report of sexual harassment submitted in good faith will not affect the complainant's future employment, or, in the case of students, grades or educational opportunity.

When an instance of sexual harassment is suspected to be sexual abuse, it shall be reported to the appropriate state agency, as required by law.

IV. School District Action

When a complaint of sexual harassment is determined valid, the School District will take action based on the results of the investigation.

1. A substantiated charge against an employee may result in disciplinary action up to and including suspension or dismissal as consistent with due process procedures.
2. A substantiated charge against a student may result in disciplinary action up to and including suspension or expulsion consistent with due process procedures.

V. Reprisal

The School District will discipline any individual who retaliates against 1) any person who in good faith reports alleged sexual harassment or 2) any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VI. Non-Harassment

The School District recognizes that not every advance or comment of a sexual nature constitutes harassment. Whether a particular action or incident is sexual harassment requires a determination based on all the facts and surrounding circumstances. A false accusation of sexual harassment can have a serious detrimental effect on innocent parties. An intentionally false charge will be treated as a serious offense and will result in disciplinary action.

VII. Right to Alternative Complaint Procedures

This policy does not deny the right of any individual to pursue other avenues of recourse provided by statute in New Hampshire and/or Vermont.

ADOPTED: SAU #70 6 June 2001