

Protection Against Harassment of Employees

POLICY

The South Burlington School District is committed to providing employees a work environment free from unlawful harassment. Harassment is a form of unlawful discrimination, which will not be tolerated. Conduct which is inappropriate, but does not rise to the level of unlawful harassment may still lead to employee discipline.

The South Burlington 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 unlawful 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. **Harassment:** Illegal harassment means unlawful conduct which 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, gender identity, age, political affiliation, ancestry, place of birth or disability, which has the purpose or effect of objectivity and substantially interfering with an employee's work or objectively creating an intimidating, hostile or offensive environment.

3. **Sexual Harassment:** Sexual harassment in the workplace is unlawful. It 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.

EXAMPLES

Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual because of an employee's race, religion, creed, color, national origin, marital status, sex, sexual orientation, gender identity, age, political affiliation, ancestry, place of birth 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.

1. **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.

2. **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.

3. **Creed Harassment**

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

4. **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.

5. **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.

6. **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.

7. **Gender Identity Harassment**

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.

8. **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.

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

REPORTING

1. **By Employees**

It is the express policy of the South Burlington 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 are encouraged to report the incident(s) immediately to the building principal so long as the principal is not the subject of the complaint. Complaints concerning unlawful harassment by principals should be reported to the Superintendent.

Targets of harassment are encouraged to directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.

2. **Privacy**

The District will keep complaints confidential to the extent possible given the need to investigate and act on investigative results. Witnesses, the complainant and the accused are also expected to keep the matter confidential.

3. **Retaliation**

There will be no adverse action taken against a person for making a complaint of harassment or for participating in or cooperating with an investigation. Any individual who retaliates against an employee who reports, testifies, assists or participates in an investigation or hearing relating to a harassment complaint will be subject to discipline.

ADMINISTRATIVE RESPONSIBILITY AND ACTION

1. **Reporting**
A principal who receives a complaint of harassment or retaliation shall promptly inform the Superintendent. Where the complaint concerns the Superintendent, the School Board Chairperson shall be informed.
2. **Investigation**
The District is responsible for acting on any information regarding harassment of which it is aware. The Superintendent or his/her designee shall provide for a thorough, prompt investigation of the incident. The investigation and written report shall be completed in a reasonably timely fashion. No person who is the subject of a complaint shall conduct 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 termination of an employee.
4. **False Complaint**
Any person who knowingly makes a false accusation regarding harassment may be subject to disciplinary action up to and including termination.

STATE AND FEDERAL DISCRIMINATION ENFORCEMENT

Agencies

A complainant who is dissatisfied with this employer's action, or is otherwise interested in doing so, may file a complaint by writing any of the following state or federal agencies.

Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609. Tel: 802-828-3171

Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114. Tel: 617-565-3200.

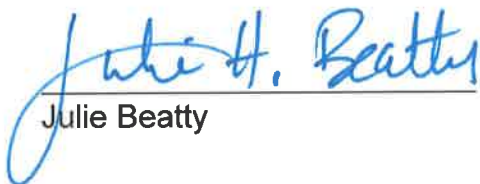
Date Policy Warned: February 21, 2007
Date Policy Considered: March 14, 2007
Date Policy Considered: April 4, 2007
Date Policy Adopted: May 9, 2007
Date Revised Policy Warned: March 6, 2013
Date Revised Policy Considered: April 3, 2013
Date Revised Policy Approved: September 25, 2013


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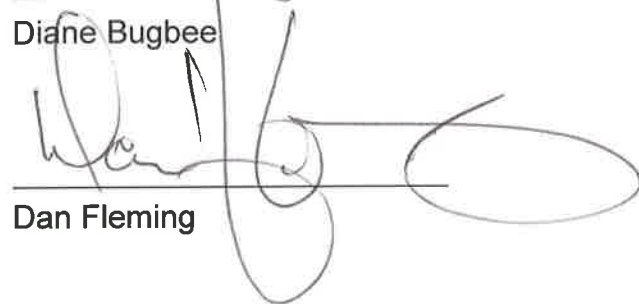
Signed:


Elizabeth Fitzgerald, Chair


Martin LaLonde, Clerk


Julie Beatty


Diane Bugbee


Dan Fleming