

Timberlane Regional School District	Policy Code: ACAB
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HARASSMENT & SEXUAL HARASSMENT OF SCHOOL EMPLOYEES

Harassment of school employees because of age, *gender, gender identity and expression*, race, creed, color, marital status, familial status, disability, national ethnic origin, economic status, genetics, retaliation, sexual orientation or any other characteristic protected under applicable federal or state law is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Harassment includes, but is not limited to, verbal abuse based on age, *gender, gender identity and expression*, race, creed, color, marital status, familial status, disability, national ethnic origin, economic status, genetics, retaliation, sexual orientation or any other characteristic protected under applicable federal or state law.

I. PURPOSE

The purpose of this policy is to maintain a working environment that is free from sexual harassment or other improper and inappropriate behavior that may constitute harassment as defined below.

Sexual harassment is against the law and is against school board policy. Any form of sexual harassment is strictly prohibited. It is a violation of this policy for any employee or third party to harass any person through conduct or communication of a sexual nature as defined by this policy.

"Employee" shall include, but not be limited to all school district staff, teachers, non-certified personnel, administrators, coaches and/or other such personnel whose employment or position is directed by the school district.

"Third parties" include, but are not limited to parents, school visitors, volunteers, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control.

The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment and will discipline any employee who sexually harasses or is sexually violent toward another person.

II. SEXUAL HARASSMENT DEFINED

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexual physical conduct, and /or conduct of a sexual nature when:

- (1) Submitting to the unwelcome conduct is made a term or condition of an individual's employment, either explicitly or implicitly.
- (2) Submitting to or rejecting the unwelcome conduct is used as the basis for decisions affecting a person's employment; or
- (3) The unwelcome conduct has the purpose or effect of unreasonably interfering with a

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person's work performance or creating an intimidating, hostile, or offensive working environment.

(4) Sexual violence.

Sexual harassment may include, but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting, pinching or other touching;
4. Intentional brushing against an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment;
7. Any sexually motivated unwelcome touching; or
8. Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

III. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating civil action or seeking redress under state criminal statutes and/or federal law.

IV. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with all applicable laws.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged sexual abuse.

V. BY-PASS OF POLICY

Any individual with a sexual harassment complaint may choose to bypass this Policy and accompanying regulation and proceed directly to: N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or US Department of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02203, phone 617-565-1340.

Notice and Training

Annually, each employee shall receive a copy of this policy and the School Employee Discrimination and Harassment Complaint Procedure.

Cross Reference:

ACAB-R School Employee Discrimination and Harassment Complaint Procedure
AC Nondiscrimination/Equal Opportunity

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Legal References:

Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy
Ed 306.04(a)(9), Sexual Harassment
RSA 354-A:7, Unlawful Discriminatory Practices
Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
Americans with Disabilities Act (42 USC § 12101 et seq.)
Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.); 34 CFR § 104.7
Title VII (42 USC § 2000c-2; 29 CFR § 1604.11)
Age Discrimination in Employment Act (29 USC §623)
NH RSA 354-A:7
NH Code Admin. R. Ed. 303.01(i) and (j)