

Milton Town School District

Policy

D12: HARASSMENT OF EMPLOYEES

Policy

Milton Town School District 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.

Milton Town 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 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 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.
2. **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 Trustees and any student teacher, intern, school volunteer or work-study student.
3. **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, age, ancestry, place of birth or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
4. **School Community:** Includes but is not limited to all students, school employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
5. **Sexual Harassment:** 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, creed (religion), color, national origin, marital status, sex, sexual orientation, age, ancestry 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.

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.

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.

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

Reporting

1. **Mandatory:** It is the express policy of the Milton Town School District to (require or 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 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.
2. 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.
3. **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.
4. **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.

Administrative Responsibility and Action

1. **Reporting:** An employee who receives a complaint of harassment shall promptly inform the Principal (or designee) or another administrator who is not the subject of the complaint.
2. **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, 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.
3. **Final Action on Complaint:** The School 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 expulsion of a student and education, training, counseling, transfer, suspension and/or termination of an employee.

4. 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.

5. 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.

6. 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.

7. Training: 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 curriculum to develop broad awareness and understanding among all members of the school community.

Date Warned: 12/03/04
Date Adopted: 12/15/04
Legal References: 9 V.S.A. §§4502 et seq. (Public accommodations)
16 V.S.A. 11(a)(26) (Definitions)
21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)
42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)
29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)
Cross Reference: To be updated.
Replaces former policy: Unlawful Harassment #302