

**BARRE UNIFIED UNION SCHOOL DISTRICT # 097
POLICY**

CODE: B 5

1ST READING: 5/9/2019
2ND READING: 6/13/2019
ADOPTED:

Prevention of Employee Harassment

1.POLICY

Harassment is a form of unlawful discrimination that will not be tolerated in the Barre Unified Union School District (B.U.U.S.D.). 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 good faith allegations of unlawful harassment or against any witness cooperating in an investigation by the B.U.U.S.D. pursuant to this policy is prohibited.

2. DEFINITIONS

Employee: For purposes of this policy, any person who may be permitted, required or directed by the B.U.U.S.D. , in consideration of direct or indirect gain or profit, to perform services for the B.U.U.S.D. or a member district.

Unlawful Harassment: Verbal, written or physical conduct based on 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 or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.

Sexual Harassment: 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.

Retaliation: Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

3. 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, ancestry, place of birth, genetic information 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.

Sex

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.

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.

Religion

Harassment on the basis of religion 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.

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.

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.

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.

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.

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.

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.

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.

4. PROCEDURE

4.1 Duty to Investigate. In the event the B.U.U.S.D. 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 B.U.U.S.D. is committed to take action if it learns of potential unlawful harassment, even if the aggrieved employee does not wish to file a formal complaint.

4.2 Designated Persons. Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the Superintendent or other Administrators.

4.3 Investigation. Allegations of unlawful harassment will be promptly investigated by the Superintendent or other Administrators. 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 B.U.U.S.D. will take appropriate disciplinary and/or corrective action. The Superintendent or other Administrators will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s) and the complainant(s) 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.

4.4 Filing a Complaint. Employees are encouraged to report the alleged unlawful harassment as soon as possible to the Superintendent or other Administrators. The complainant will be asked to provide copies of any relevant documents or notes of events and the names of people who witnessed or were told of the unlawful harassment.

4.5 Alternative Complaint Processes. Employees may file complaints with both the B.U.U.S.D. 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. The agencies are:

- a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.
- b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

4.6 Confidentiality. The confidentiality of the complainant, the accused individual, and the witnesses shall be maintained consistent with the B.U.U.S.D.'s obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of personnel records or other applicable discovery or disclosure obligations.

Legal Reference(s): 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)