

<b>Vermont School Boards Association</b>	<b>Code:</b>	<b>D12-A</b>
<b>Hartland School District</b>	<b>Policy Adopted:</b>	<b>11/26/2012</b>
<b>Policy Statement</b>	<b>Revision Adopted:</b>	<b>08/22/2016</b>

## **EMPLOYEE HARASSMENT AND BULLYING**

### **Policy**

Harassment and/or bullying are forms of unlawful discrimination that will not be tolerated in the Hartland School District. Unwelcomed sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment; and any bullying behavior that creates a hostile work environment, as defined herein and by state and federal law, violate this policy. Retaliation against any person raising good faith allegations of unlawful harassment or bullying and/or against any witness cooperating in an investigation pursuant to this policy is prohibited.

### **A. Definitions**

1. **Employee:** For purposes of this policy, any person employed by and subject to the direct supervision of the district or supervisory union.
2. **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.
3. **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.
4. **Bullying:** Any severe, pervasive and persistent action on the part of one employee toward another that conveys a climate of hostility and limits an employees' ability to perform a task.
5. **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.

## **B. Examples of Harassment**

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.

### **Sexual Harassment**

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.

## **C. Examples of Bullying**

Bullying can take any form that creates a hostile work environment and impedes an employee's ability to work in an unrestricted manner in the workplace. Examples may include, but are not limited to the following:

- Spreading malicious rumors, gossip, and/or innuendo that is not true;
- Unwarranted punishment or belittling;
- Yelling or use of profanity;
- Pestering, spying or stalking an individual;
- Assigning an inequitable workload to an individual;
- Repeatedly criticizing and or rejecting an individual's opinion;
- Physically abusing or threatening physical abuse;
- Tampering with a person's personal belongings or workstation.

Employees experiencing harassment and/or bullying should report the matter directly to the building supervisor or, in the case that the supervisor is the aggressor, to the designated central office personnel. The superintendent shall annually appoint a male and a female to act in this regard. All reported incidents shall be investigated, even if the victim is unwilling to place the complaint in writing.

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*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)*