

SALEM SCHOOL DISTRICT
Salem, Connecticut

PERSONNEL – CERTIFIED AND NON-CERTIFIED

HARASSMENT

The Board strives to provide a safe, positive working and learning climate for its students and employees. Therefore, harassment, in any form, will not be tolerated in this district. This policy applies to all students, staff members, board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on district grounds or property or on property within the jurisdiction of the district; on buses operated by or for the district; while attending or engaged in district activities; and while away from district grounds if the misconduct directly affects the good order, efficient management, and welfare of the district.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the district's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, harassment consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, (including gender identity/expression) or age when such conduct/harassment:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. Otherwise adversely affects an individual's learning or work opportunities;
4. Is made either explicitly or implicitly a term or condition of an individual's education, employment, or participation in district programs or activities; and
5. Exposure to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.

Harassment as set forth above may include, but is not limited to:

- Verbal, physical, or written intimidation or abuse;
- Repeated remarks of a demeaning or condescending nature; and
- Repeated demeaning jokes, stories, or activities directed at the individual.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. Acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued education employment; or participation in district programs or activities; and
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employees' ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment. Each student shall be responsible to respect the rights of all students and to ensure an environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent as the District's Compliance Officer.

This policy and the complaint procedure will be published on the District website for staff, students, parents, volunteers, and the public's use and information. The District does not tolerate any unlawful harassment within the school system.

Legal References: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq. 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination. Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq. 34 CFR Section 106.8(b), OCR Guidelines for Title IX. Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol. 62, #49, 29 CFR Sec. 1606.8 (a0 62 Ref. Reg. 12033 (March 13, 2997) and 66 Fed. Reg 5512 (1/19/01). *Meritor Savings Bank, FSB v Vinson* 477 US.57 (1986). *Faragher v City of Boca Raton*, No. 97-282 (US Supreme Court, June 26, 2998). *Burlington Industries, Inc. v Ellerth*, No. 97-569 (US Supreme Court, June 26, 1998). *Gebbsler v Lago Vista Indiana School District*, No. 99-1866 (US Supreme Court, June 26, 1998). *Davis v Monro County Board of Education*, No. 97-843, (US Supreme Court, May 24, 1999.) Connecticut General Statutes §46a-60 Discriminatory employment practices prohibited. 10-15c Discrimination in public school prohibited. School attendance by five-year olds. (Amended by PA 97-247 to include "sexual orientation". 10-153 Discrimination on account of marital status. 17a-101 Protection of children from abuse.

Policy 1st Reading: January 7, 2013

Policy Adopted: January 22, 2013

jlk