B5
REQUIRED[1]

EMPLOYEE UNLAWFUL HARASSMENT

Policy

In the LNSU, employee harassment, as defined herein and by state and federal law, is unlawful and will not be tolerated. Retaliation against any person raising good faith allegations of unlawful harassment or against any witness cooperating in an investigation pursuant to this policy is prohibited.

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:** Unwelcome conduct based on an employee's race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee's work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:
   a. The determination shall be made on the basis of the record as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment.
   b. Incidents that may be harassment shall be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation.
   c. Conduct may constitute unlawful harassment, regardless of whether: 1) the complaining employee is the individual being harassed; 2) the complaining employee acquiesced or otherwise submitted to or participated in the conduct; 3) the conduct is also experienced by others outside the protected class involved in the conduct; 4) the complaining employee was able to continue carrying out the employee's job duties and responsibilities despite the conduct; 5) the conduct resulted in a physical or psychological injury; or 6) the conduct occurred outside the workplace.[2]
3. **Sexual Harassment:** Sexual harassment is a form of unlawful harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, written, auditory, or visual conduct of a sexual nature by a District employee or a person engaged to perform work or a service for the District 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 interfering with an individual's work or creating an intimidating, hostile or offensive working environment.

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[1] 21 V.S.A. §495h(b) requires all employers to adopt a policy against sexual harassment. The policy shall include 1) a statement that sexual harassment in the workplace is unlawful, 2) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment, 3) a description and examples of sexual harassment, 4) a statement of the range of consequences for employees who commit sexual harassment, 5) a description of the process for filing internal complaints about sexual harassment and the names, addresses, and telephone numbers of the person(s) to whom complaints should be made, and 5) the complaint process of the appropriate State and federal employment discrimination enforcement agencies, and directions as to how to contact such agencies.

[2] 21 V.S.A. §495d definition of "harass"

d. Sexual harassment need not be severe or pervasive in order to be unlawful.[3]

4. **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.

Examples

Unlawful harassment can include any unwelcome conduct which offends, denigrates, or belittles an employee because of the race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, physical or mental condition, marital status, or genetic information. 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.

1. **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.

Please be aware that any sexual harassment allegations must be considered and processed pursuant to the District's Title IX policy.

2. **Race and Color** - Racial or color harassment may include unwelcome 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.

3. **Religion** - Harassment on the basis or religion includes unwelcome 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.

4. **National Origin and Place of Birth** - Harassment on the basis of national origin includes unwelcome 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.

5. **Age** - Age harassment includes unwelcome 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 age.

6. **Marital Status** - Harassment on the basis of marital status includes unwelcome conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed parent.

7. **Sexual Orientation** - Harassment on the basis of sexual orientation includes conduct directed at the characteristics of a person's sexual orientation.

8. **Gender Identity** - Harassment on the basis of gender identity includes unwelcome 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.

9. **Disability** - Disability harassment includes any unwelcome 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.

[3] As defined in 21 V.S.A. §495d

10. **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.

Training

The District shall implement a reasonable training program to make employees aware of the District's harassment policies and procedures.

Administrative Procedures

1. **Duty to Investigate.** In the event the district or supervisory union 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 LNSU is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.

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 non-discrimination coordinators or to the principal at the following address and telephone number:

   Non-Discrimination Coordinators:
   Human Resource Director
   Address: 96 Cricket Hill Road, Hyde Park, VT, 05655
   Telephone number: 802-851-1173

   Director of Student Support Services
   Address: 96 Cricket Hill Road, Hyde Park, VT, 05655
   Telephone number: 802-851-1178

3. **Investigation.** Allegations of unlawful harassment will be promptly investigated by a non-discrimination coordinator or designee. 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 district or Supervisory Union will take appropriate disciplinary and/or corrective action. The non-discrimination coordinator or designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) 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. **Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the non-discrimination coordinators or the principal.

5. **Alternative Complaint Processes.** Employees may file complaints with both the district or supervisory union 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.

6. **Confidentiality.** Witnesses, complainant, and the accused shall keep confidential matters related to the charge of unlawful harassment.

VSBA Update	*1/2/26*
Date Warned:	*9/14/26*
Date Adopted:	*10/12/26*
Legal Reference(s):	*9 V.S.A. §§ 4501 et seq. (Public accommodations)*
	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:	*Board Commitment to Non-Discrimination*
	Prevention of Sexual Harassment as Prohibited by Title IX