

**Derry Cooperative School District No. 1
NH School Administrative Unit #10
18 South Main Street
Derry, NH 03038**

EPS Code: GBAA-JBA

District Code:

SEXUAL HARASSMENT POLICY

The Derry School Board has always been committed to a progressive equal opportunity program, and intends to continue this tradition. There is no place in the school district for discrimination of any kind.

As part of that program and philosophy, it has long been policy that all employees and students have a right to work and learn in an environment free of harassment. It is expected that all employees and students be treated with dignity and respect.

Specifically forbidden is harassment of a racial, ethnic, sexual, or religious nature. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for equal favors, and basing employment or academic decisions on an employee's/student response to sexually-oriented requests.

Sexual harassment also includes: sexually oriented jokes, cartoons, and pictures; certain gestures and touching; derogatory sexual remarks regarding either gender, or the display or circulation of written materials, derogatory to either gender. These actions may create a hostile or intimidating work or school environment and are not acceptable in the Derry School District. Such behavior not only violates the rules of common courtesy and school district policy, but is illegal under state and federal anti-discrimination laws. It will not be tolerated, and anyone who violates this policy will be subject to disciplinary action. It is the responsibility of administration and each individual to maintain an environment free of sexual harassment.

Anyone who believes they have been subject to sexual harassment, in any form, should report such conduct to their supervisor or building principal. If this is not possible, individuals are encouraged to seek assistance from the Title IX Coordinator.

The Derry School District will take every appropriate action toward resolution of such charges. The district will actively investigate any allegation of sexual harassment, and if it is determined that sexual harassment has occurred, the district will take appropriate disciplinary action. All necessary measures will be undertaken to protect those who report incidents of alleged harassment against retaliation and further additional harassment.

A. Policy Purpose

Title VII of the Civil Rights Act of 1964 and New Hampshire's Law Against Discrimination (RSA 354-A) prohibit discrimination because of race, color, religion, sex, or national origin in all employment practices, including terms, conditions, and privileges of employment.

The Derry School Board will not tolerate sexual harassment, a form of sex discrimination, in the school or workplace. To this end, all individuals are responsible for assuring that the workplace and schools, including classrooms, halls, cafeterias, parking lots, etc. are free of sexual harassment including unwelcome sexual advances, requests for sexual acts or favors, or any physical or verbal conduct of a harassing nature by anyone in the district.

Date: 04/16/96
B. Definition

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Sexual harassment is a personal as well as a policy matter. Certain actions will be universally understood to be sexual harassment. Other actions may be perceived as sexual harassment by one person and not by another. In general, if an individual perceives a sexually oriented action as offensive, it is considered sexual harassment.

In general, sexual harassment occurs when:

1. Supervisors, manager or other individuals make submission to sexual advances an explicit or implicit condition of employment, compensation, promotion, or work assignment and/or make employment decisions or academic advancement/decisions based on submission to or rejection of such conduct.
2. Conduct by supervisors, other individuals, or people not affiliated with the Derry School District, significantly interferes with an employee's work performance or student's academic performance creates an intimidating environment. Such conduct may be:
 - Physical-unwanted physical contact such as touching, pinching, brushing the body, coerced sexual contact, assault.
 - Verbal-sexual innuendo, comments, jokes or telephone calls that include sexual overtones, sexual propositions, threats.
 - Nonverbal-sexually suggestive objects or pictures, suggestive or insulting sounds, leering, whistling, obscene gestures.

C. Procedures

1. Employee responsibility: any employee who believes that he or she is being sexually harassed or anyone who witnesses harassment should promptly take the following steps:
 - a. Attempt to politely but firmly confront whomever is doing the harassing. State how you feel about his or her actions and request that the person cease harassing you immediately.
 - b. If the harassment continues or, if you believe some employment consequences may result from your confrontation, or if you feel incapable of confronting the harasser directly, notify your supervisor or building principal immediately. The supervisor or building principal must report the incident to the Superintendent of Schools within 48 hours.
 - c. In the case of a co-worker being the harasser, the employee must bring the issue to the administration's attention even if the matter has been resolved between the parties if the employee desires to put administration on notice, and therefore legally responsible, in the event of further problems.
 - d. If after ten (10) working days you believe inadequate action is being taken to resolve your complaint, notify the Superintendent of Schools for resolution of your problem. The policy of this district is to listen to all complaints of sexual harassment, seek early corroboration, and quickly apply sanctions when appropriate.

- e. Sanctions against sexual harassment will depend upon the circumstances surrounding the incident. Any offense may lead to oral reprimands, written reprimands, suspension, and/or possible dismissal of the offender.
2. Administration responsibility: Every member of the Derry School District's administration is responsible for ensuring that no sexual harassment occurs within his or her area of authority.
 - a. Any complaint of sexual harassment will receive the immediate attention of the Superintendent of Schools. It is our intention to investigate every complaint and respond with findings back to the complainant within ten working days of the time the complaint is received.
 - b. Investigation of a complaint of sexual harassment will normally include conferring with the parties and witnesses named by the individual filing the complaint.
 - c. Because of the sensitive nature, complaints of sexual harassment will be investigated with particular care and remain, to the extent possible, strictly confidential, protecting to the fullest extent possible the privacy of the individuals.
 - d. In no instance will information concerning a complaint of sexual harassment be released by the district to a third party or to anyone within the district who is not involved with the investigation. More specifically, information will not be released to the news media. A statement that a complaint of sexual harassment was substantiated after investigation, may be released to a prospective employer seeking a reference. The purpose of these provisions is to protect the confidentiality of the individual who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of anyone charged with sexual harassment.
 - e. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.
 - f. In the event that a complaint is made against the Superintendent, the Chair of the School board will initiate the investigation. In the event that a complaint is made against a member of the School Board, the Superintendent will initiate the investigation.
 - g. Supervisors will take no reprisals or retaliation against persons complaining of sexual harassment pursuant to the complaint.
 - h. A person affiliated with the school district who sexually harasses an employee in the workplace will be informed of the school district's harassment policy by the employee's supervisor; Other appropriate action may be taken including removal of the offending party from the premises.
 3. Student responsibility: Any student in the Derry School District who believes he or she is being sexually harassed or who witnesses (overhears, observe) harassment, should promptly take the following steps:

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- a. Attempt to politely but firmly confront whomever is doing the harassing. State how you feel about his or her actions and request that the person stop harassing you immediately.
- b. If the harassment continues and you feel incapable of confronting the harasser directly, or you believe some academic consequences may result from confronting the harasser directly, you should report the incident to your building principal. If circumstances prohibit this, contact the Title IX Coordinator for assistance. (Contact your guidance counselor for help/support at this step.)
- c. In no instance will information concerning a complaint of sexual harassment be released by the district to anyone who is not involved with the investigation. More specifically, information will not be released to the news media. The purpose of this is to protect the confidentiality of the student who files a complaint, to encourage the reporting of any incidents with sexual harassment.
- d. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.
- e. In the event that a complaint is made against the Superintendent, the Chair of the School Board will initiate the investigation. In the event that a complaint is made against a member of the School Board, the Superintendent will initiate the investigation.
- f. Supervisors will take no reprisals or retaliation against any student complaining of sexual harassment pursuant to the complaint.
- g. Anyone affiliated with the school district who sexually harasses a student will be informed of the school district's harassment policy by the building principal; other appropriate action may be taken including removal of the offending party from the premises.

D. Other Remedies Available

This policy is intended to offer an "in-house" resolution to sexual harassment complaints. It in no way excludes an aggrieved party from exercising his/her rights before any other appropriate forum, including filing charges with the Equal Employment Opportunity Commission within 180 days of the alleged harm. The investigating party will not discourage or in any other manner dissuade an individual from utilizing his/her external remedies and will assist the employee in the exercise of his/her rights.