

ADDISON NORTHWEST SCHOOL DISTRICT POLICY

SECTION: PERSONNEL

CODE: B5

TITLE: PREVENTION OF EMPLOYEE HARASSMENT

Policy

Harassment is a form of unlawful discrimination as well as disrespectful behavior which will not be tolerated in the Addison Northwest School District. 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 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.
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:** Is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - o Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - o 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
 - o 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. **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 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

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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, but is not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Racial and Color Harassment

Racial or color harassment can 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, comments on manner of speaking, and negative references to racial customs.

Religious or Creed Harassment

Harassment on the basis of religion or creed 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 or graffiti.

National Origin and Place of Birth Harassment

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Age Harassment

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

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.

Gender Identity Harassment

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

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characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation such as negative name calling and imitating mannerisms.

Disability Harassment

Harassment on the basis of a person's disabling mental or physical condition includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement, or interference with necessary equipment.

Genetic Information Harassment

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.

Harassment includes, but is not limited to, examples cited in this policy.

<i>Date Warned:</i>	<i>December 13, 2016</i>
<i>Date Adopted:</i>	<i>December 28, 2016</i>
<i>Legal Reference(s):</i>	<i>9 V.S.A. §§4502 et seq. (Public accommodations)</i> <i>16 V.S.A. 11(a) (26) (Definitions)</i> <i>21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)</i> <i>42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)</i> <i>29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)</i>
<i>Cross References:</i>	<i>Procedures for Unlawful Employee Harassment (D12-R)</i> <i>Prevention of Harassment, Hazing & Bullying Policy (C10)</i> <i>Notice of Non-Discrimination (A22)</i>