

Southwest Vermont Regional Technical School District	<b>SEXUAL HARASSMENT</b> [Employee]	<b>Policy #4001C</b>
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It is the policy of the Southwest Vermont Regional Technical School District to provide a safe workplace free from sexual harassment. It is a violation of this policy and illegal under state and federal law, for any employee or student, male or female, to engage in sexual harassment of an employee, as defined below.

### **1. What is "sexual harassment"?**

Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- < Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- < Touching or grabbing a sexual part of an employee's body;
- < Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- < Continuing to ask an employee to socialize on or off-duty when that person has indicated s/he is not interested;
- < Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- < Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- < Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

- < Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- < Retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- < Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- < Harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation;
- < Off-duty conduct which falls within the above definition and affects the work environment.

## **2. Retaliation**

It shall be a violation of this policy for any person who learns of an investigation or complaint to take any retaliatory action which affects the working environment of any person involved in such investigation.

## **3. What this employer will do if it learns of possible sexual harassment.**

In the event this Supervisory District receives a complaint of sexual harassment of an employee, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.

The Supervisory District is committed and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to the Non-Discrimination Coordinator (who has been designated to receive such complaints or reports), or to the Director at the following address and telephone number:

Director/Superintendent  
Southwest Vermont Regional Technical School District  
321 Park Street  
Bennington, VT 05201  
Phone: (802) 447-0220

Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the complainant and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation.

If the allegation of sexual harassment is found to have been substantiated, the Supervisory District shall take appropriate disciplinary and/or corrective action. The employer will inform the complainant and the accused person(s) of the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur.

If, after investigation, the allegation is found not to have been substantiated, the complainant and the accused person shall be so informed, with appropriate instructions provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

#### **4. Discipline/Corrective Action.**

Any employee, supervisor, student or agent who has been found by the employer to have harassed an employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal (or, with respect to student harassers, expulsion), and/or such counseling, training or education.

#### **5. What you should do if you believe You have been harassed.**

**a. Informal Resolution.** Any employee who believes that s/he has been the target of sexual harassment, or who believes s/he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to inform the offending person or persons directly that such conduct is offensive and must stop.

If the complainant and alleged harasser are both school personnel, the complainant may ask the Non-Discrimination Coordinator or other willing impartial employee to facilitate a meeting to attempt to reach a mutually acceptable solution. If all involved feel that the matter has been resolved, the facilitator shall report to the Non-Discrimination Coordinator that the matter has been resolved informally.

**b. Filing of Complaint.** If the complainant does not wish to communicate directly with the alleged harasser or harassers, or if direct communication or informal resolution attempts have been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to his/her supervisor, or to the Non-Discrimination Coordinator, 321 Park Street, Bennington, Vermont 05201; Tel.: (802) 447-0220 (who has been designated to receive such complaints or reports) or the Director at the same address and number. It is helpful to an investigation if the employee provides copies of any relevant documents or notes of events and the names of people who witnessed or were told of the harassment, if possible.

c. Alternative Complaint Process. Employees are encouraged to file complaints of sexual harassment through the Supervisory District's complaint procedure. If the complainant is dissatisfied with the Supervisory District's actions, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171 (voice/TDD). Complaints should be filed within 300 days of the adverse action.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints must be filed within 300 days of the adverse action.

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. An employee is not required to use the Supervisory Union's complaint procedure prior to filing a charge with these agencies. In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claims raised.

**6. Where You Can Get Copies of this Policy.**

A copy of this policy will be provided to every employee upon adoption and to new employee upon being hired. Extra copies will be available in the Director's office. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

	<b>Date Drafted</b>	<b>Date Warned</b>	<b>Date Adopted</b>
Southwest Vermont Regional Technical School District	6/24/04	8/16/04	12/12/07