

SEXUAL AND OTHER HARASSMENT – EMPLOYEES¹²³⁴**1.1 General Statement of Policy**

The Shaker Regional School District (SRSD) will not tolerate the harassment of any student, employee or visitor on the basis of sex, race, color, religion, sexual orientation, national origin, age, disability or for any other unlawful reason. This policy prohibits all such activities of its employees. For purposes of this policy, the term “employee” shall include, but not be limited to all school district staff, teachers, non-certified personnel, administrators, volunteers, coaches and/or other such personnel whose employment is directed by the SRSD. The SRSD will investigate all complaints, either formal or informal, verbal or written, of sexual and other harassment.

1.2 Definitions

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical or non-physical conduct of a sexual nature when:

- a. Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- b. Submission to, or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual or for the awarding or withholding of favorable employment opportunity, evaluation or assistance.
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile or offensive environment in which to work or learn.

Sexual harassment includes a wide range of behaviors, from the actual coercion of sexual relations to unwelcome offensive comments, jokes and innuendo, other sexually oriented statements, and unwelcome advances of a sexual nature. Sexual harassment may be indirect and even unintentional.

Other harassment is defined as verbal or physical conduct that denigrate or shows hostility toward an employee or visitor because of race, color, religion, age, national origin, disability, handicap, Veteran's status, creed, sexual orientation, political affiliation, or any other legally protected status not listed herein, and has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

1.3 Reporting Procedures

The Shaker Regional School Board (SRSB) designates the Superintendent as the SRSD Human Rights Officer. Any school employee or employee of a company under contract with SRSD (e.g.:for transportation services) who has been subject to, witnessed, or has reliable information that harassment, in any form, has occurred shall report such harassment to the building principal or to the Personnel Manager in the office of the Superintendent. The employee has up to 180 days to report such harassment. The use of formal reporting forms (GBAA-R) provided by SRSD is voluntary.

1.4 Confidentiality

¹ NH Code of Administrative Rules, Section Ed 303.01 (j)

² NH Code of Administrative Rules, Section Ed 306.04(a)(8)

³ NH Code of Administrative Rules, Section Ed. 306.04(a)(9)

⁴ RSA 354-A:7

1 The SRSD shall respect the confidentiality of the complainant and the individual(s)
2 against whom the complaint is filed to the fullest extent practicable, consistent with state
3 and federal law.

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5 **1.5 Retaliation**

6 Retaliation against an employee who reports alleged sexual or other harassment is a
7 violation of this policy and is prohibited by both state and federal law. Such retaliation is
8 a form of harassment and will be handled in the same manner as other forms of
9 harassment.

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11 **1.6 Investigation and Recommendation**

12 Upon receipt of a report, the Principal shall notify the Superintendent of Schools
13 immediately. If the report was given orally, the Principal shall submit a written report
14 within 24 hours and forward it to the Superintendent. The Principal, Personnel Manager,
15 or third-party designee, if determined necessary, shall conduct an investigation and
16 present the findings, in writing, within 30 days to the Superintendent. If the complaint
17 involves the building Principal, the complaint shall be filed directly with the
18 Superintendent of Schools. If the Superintendent is the subject of the complaint, the
19 report shall be submitted to the SRSB.

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21 Upon completion of an investigation conducted by the Principal, Personnel Manager, or
22 a third-party designee, the Superintendent or the SRSB, if necessary, will be provided a
23 written report and recommended action.

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25 **1.7 Disciplinary Action**

26 Personnel in violation of this policy are subject to disciplinary measures up to and
27 including dismissal.

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29 The findings of the investigation and the disciplinary action resulting shall be recorded
30 and provided to all involved parties.

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32 **1.8 Appeal of Investigator's Recommendation**

33 Either the complainant or the accused may appeal the investigator's recommendation
34 and subsequent action, if any to the SRSB. After the hearing, the SRSB will vote to
35 either accept or deny the investigator's recommendation and resulting discipline.

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37 **1.9 Right to Alternative Complaint Procedures and By-Pass of Policy**

38 These procedures do not deny the right of any employee to pursue other avenues of
39 recourse, which may include filing charges with the NH Commissioner of Education,
40 initiating civil action or seeking redress under state criminal statutes and/or federal law.

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42 Any employee with a sexual harassment complaint may choose to bypass this Policy
43 and accompanying regulation and proceed directly to: NH Commission on Human
44 Rights, at 2 Chenelle Dr., Concord, NH 03301, phone 603-271-2767 or US Department
45 of Health & Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875,
46 Boston, MA 02203, phone 617-565-1340.

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48 The Superintendent shall publish rules and procedures to implement this policy