

SEXUAL AND OTHER HARASSMENT - STUDENTS¹²³

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 students. 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 in exchange for benefits.
- b. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or opportunities; or creates an intimidating, offensive or hostile educational environment.

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 a student because of race, color, religion, age, national origin, disability, handicap, creed, sexual orientation or any other legally protected status not listed herein, and the purpose or effect of creating an intimidating, hostile, or offensive learning environment.

1.3 Reporting Procedures

The Shaker Regional School Board (SRSB) designates the Superintendent as the SRSD Human Rights Officer. Any student who has been subject to, witnessed, or has reliable information that harassment, in any form, has occurred shall report such harassment to a guidance counselor, teacher, or school administrator. The student has up to 180 days to report such harassment. The use of formal reporting forms (JBAA-R) provided by SRSD is voluntary.

1.4 Confidentiality

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

1.5 Retaliation

Retaliation against a student who reports alleged sexual or other harassment is a violation of SRSD's policy and is prohibited by both state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of harassment.

1.6 Investigation and Recommendation

Upon receipt of a report, the Principal shall notify the Superintendent of Schools immediately. If the report was given orally, the Principal shall submit a written report within 24 hours and forward it to the Superintendent. The Principal, Personnel Manager, or third-party designee, if

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)

1 determined necessary, shall conduct an investigation and present the findings in writing, within
2 30 days to the Superintendent. If the complaint involves the building Principal, the complaint
3 shall be filed directly with the Superintendent of Schools. If the Superintendent is the subject of
4 the complaint, the report shall be submitted to the SRSB.

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

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10 **1.7 Disciplinary Action**

11 Students in violation are subject to discipline under SRSD Policy JIC.

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

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16 **1.8 Right to Alternative Complaint Procedures**

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

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21 Any student or parent/guardian of a student with a sexual harassment complaint may choose to
22 bypass this policy and proceed directly to the NH Commission of Human Rights, 2 Chenelle
23 Drive, Concord, NH, 03301, telephone number (603) 271-2767 or Office of Civil Rights, Health
24 and Human Services, Region #1, Room 2403, JFK Federal Building, Government Center,
25 Boston, MA, 02203, telephone number (617) 56501340.

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27 The Superintendent shall publish rules and procedures to implement this policy.