



WINOOSKI SCHOOLS

We are the future.

**POLICY #4116
REQUIRED**

WINOOSKI SCHOOL DISTRICT POLICY ON HARASSMENT OF EMPLOYEES

We believe that harassment of any kind disrupts the educational environment and infringes upon human rights. Harassment is a form of unlawful discrimination that will not be tolerated in the Winooski School District. Harassment violates an individual's basic civil rights, undermines the integrity of the school environment, and may adversely affect students, teachers and other school personnel whether or not they are the direct subjects of harassment. Each member of this school community has the explicit duty to prevent harassment and to foster a [positive learning atmosphere for every individual. This policy specifically addresses our district's desire to provide and maintain a learning environment free of harassment toward any staff member.

Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined in this policy 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 by the District pursuant to this policy is prohibited. Any employee engaging in harassment and/or retaliation and violating this policy will be subject to appropriate discipline up to and including dismissal or expulsion.

Definitions

- 1. Employee:** For purposes of this [olicy, 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 intimidatin, hostile or offecnsive environment.
- 3. Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual ature when:
 - a.** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment: or

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- b. 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
 - c. 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 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.

Sex Sexual harassment may include unwelcome touching, crude jokes or pictures, discussion of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Race and Color Racial or color harassment may 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, and negative references to racial customs.

Religion Harassment on the basis of religion 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.

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

Age 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 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.

Sexual Orientation Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person’s sexual orientation.

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

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

Genetic Information 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.

Procedure:

1. **Duty to Investigate.** In the event the District receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The District is committed to take action if it learns of potential unlawful harassment, even if the aggrieved employee does not wish to file a formal complaint.
2. **Designated Persons.** Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the Non-Discrimination Coordinators or to the Principal at the following address and telephone number

Non-Discrimination Coordinator: Winooski School District Human Resources
 Coordinator
 Manager Address: 60 Normand Street, Winooski, VT 05404
 Telephone number: 802-383-6000

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Principal(s): JFK Elementary and Winooski Middle/High School
Address: 60 Normand Street, Winooski, VT 05404
Telephone number: 802-383-6000

- 3. Investigation.** Allegations of unlawful harassment promptly investigated by a Non-Discrimination Coordinator or his/her designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the District will take appropriate disciplinary and/or corrective action. The Non-Discrimination Coordinator or his/her designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s) and the complainant(s) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.
- 4. Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the Non-Discrimination Coordinators or the Principal. The complainant will be asked to provide copies of any relevant documents or notes of events and the names of people who witnessed or were told of the unlawful harassment and will be asked to provide a written description of the unlawful harassment.
- 5. Alternative Complaint Processes.** Employees may file complaints with both the District and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:

 - a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, Tel: (802) 828-3171. Complaints should be filed within 300 days of unlawful harassment.
 - b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617) 565-3200 (voice), (617) 565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.
- 6. Confidentiality.** Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

Date Warned: November 13, 2019

Date Adopted: December 11, 2019

Approved by Board of School Trustees: December 11, 2019

Legal Reference(s): 9 V.S.A. §§4502 et seq. (Public accommodations)
16 V.S.A. 11(a)(26) (Definitions)
21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)
42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)
29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)

Cross Reference(s): Policy #6146, Access to Electronics
Policy #5111, Prevention of Harassment, Hazing and Bullying of Students