

Thornton Elementary School

ANTI-HARASSMENT POLICY

The School Districts of SAU #48 have an obligation to provide an educational setting that is safe, secure, and free from all forms of unlawful harassment and discrimination for its students and employees. All students and adults in this educational community should work and learn in an atmosphere of mutual respect and understanding based on the individual differences and diversity among its members. The School Districts of SAU #48 will not tolerate unlawful harassment or discrimination of any type.

HARASSMENT

Unlawful harassment under this Policy includes but is not limited to unlawful harassment based upon an employee's or student's (1) age; (2) race; (3) color; (4) national origin; (5) religion; (6) sex; (7) sexual orientation; (8) gender identity; (9) physical or mental disability; (10) marital status; or (11) veteran status.

Harassment is any behavior that interferes with an individual's work or academic responsibilities, social interactions, or emotional well-being by the creation of a hostile environment and intimidation, either through physical, verbal, or unwelcome conduct about, or directed at, any employee or student based upon any of the categories listed above.

Bullying and cyberbullying, types of harassment, are a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which physically harms a pupil or damages the pupil's property; causes emotional distress to a pupil; interferes with a pupil's educational opportunities; creates a hostile educational environment; or substantially disrupts the orderly operation of the school. Complaints of bullying and cyberbullying will be investigated under the SAU #48 Bullying and Cyberbullying Policy.

REPORT PROCEDURE

All complaints should be given serious consideration by the person to whom they are reported. Students should report the alleged acts immediately to an adult such as a teacher, aide, nurse, guidance counselor, or principal .

The adult must then refer the complaint to the school administrators, either the principal or the assistant principal. The school administrators will act to promptly investigate and equitably resolve all complaints either formal or informal, verbal or written of unlawful harassment. Any school employee, volunteer, or employee under contract with the school

or School District, who has reliable information that a student has been subjected to harassment shall report the information to school administrators.

DISCIPLINE

If a complaint is deemed to be valid, the School District shall take such disciplinary action as it deems necessary and appropriate to end the unlawful harassment and prevent its recurrence.

Disciplinary measures include, but are not limited to, expulsion, termination, verbal and written warnings/reprimands in employee or student files, detention or in-school suspensions, out-of-school suspension, behavior contract, requirement of a verbal and/or written apology to the victim, and mandatory education and training.

RETALIATION

The School Districts will discipline any individual who retaliates against any person who reports alleged unlawful discrimination or harassment or retaliates against any person who testifies, assists, or participates in any investigation, proceeding, or hearing relating to an unlawful harassment or discrimination complaint. Retaliation includes, but is not limited, any form of intimidation, reprisal or harassment.

SEXUAL HARASSMENT

SAU #48 and its School Districts are committed to providing school environments in which all members of the educational community can work and learn in an atmosphere of respect for their dignity, worth, and well-being. Sexual harassment is illegal, unacceptable, and prohibited. Title VII of the 1964 Civil Rights Act and Title IX of 1972 protects all students and employees from sexual harassment and discrimination.

It is a violation of the law and this policy for any employee, student or anyone interacting with employees or students to sexually harass or be sexually violent to another employee or student, through conduct or communication of a sexual nature as defined by this policy.

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 or position is directed by the School Districts.

The School Districts of SAU #48 will act promptly to investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and will discipline any employee or student who sexually harasses or is sexually violent towards another person.

Students and/or employees who believe they are the subject of sexual harassment or sexual violence, or anyone having questions or concerns regarding sexual harassment or sexual violence are encourage to contact one or more of the following individuals:

1. Assistant Superintendent Title IX Coordinator
47 Old Ward Bridge Road
Plymouth, New Hampshire 03264
Phone: 603.536.1254
FAX: 603.536.3545
2. Any School District administrator; or
3. Any school building principal or assistant principal

SEXUAL HARASSMENT DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term of condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment is not limited to requests for sexual favors in return for job or educational benefits. Sexual harassment may include but is not limited to:

1. Verbal and/or written harassment or abuse of a sexual nature.
2. Subtle pressure for sexual activity.
3. Inappropriate patting or pinching.
4. Intentional brushing against a student's or an employee's body.
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
7. Any sexually motivated unwelcome touching.
8. Dating one's student.

9. Sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.
10. Leering at an individual's body.
11. Jokes of a sexual nature.
12. The display anywhere on school facilities of sexually suggestive, sexually demeaning or pornographic objects, pictures, writings, posters, or cartoons.
13. Graphic verbal comments about an individual's body, clothing or sexual activity.

Any sexual harassment or violence, as defined above, when perpetrated on any student or employee by any student, employee, or anyone interacting with a student or employee will be treated as sexual harassment and/or violence and a violation of this policy.

Hostile environment harassment occurs when unwelcome comments or conduct based on sex, or other legally protected characteristics unreasonably interferes with a student's or employee's performance or creates an intimidating, hostile, or offensive environment. A victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment or sexual violence by a student or an employee of the School Districts of SAU #48 or SAU #48, or anyone interacting with a student or employee, or any third party with knowledge or belief of conduct which may constitute sexual harassment or sexual violence which may violate this policy, should report the alleged acts immediately to an appropriate official as designated by this policy. The SAU and its School Districts encourage the reporting party or complainant to use the report form available from the principal of each building or available from the SAU office, but use of the form is not required.

COMPLAINT PROCESS

In each school building. The building principal is the person responsible for receiving oral or written reports of sexual harassment or sexual violence at the building level. Upon receipt of a report, the principal must notify the Superintendent of Schools immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Superintendent. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Superintendent. Failure to forward any sexual harassment or sexual violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Superintendent of Schools.

District-wide. The School Board hereby designates the Assistant Superintendent of Schools as the School District Title IX Coordinator to receive reports or complaints of sexual harassment and sexual violence from any student, employee, any individuals that interact with students or employees (such as contractors, vendors, or volunteers), or the

victim of sexual harassment or sexual violence and also from the building principals as outlined above.

If the complaint involves the Superintendent or Assistant Superintendent, the complaint shall be filed with the SAU Board Chairperson.

All buildings shall have conspicuously posted the name of the Title IX Coordinator including a mailing address and telephone number.

Submission of a complaint or report of sexual harassment will not affect the complainant's future employment, grades, or work assignment.

Use of formal reporting forms is not mandatory. The School Districts of SAU #48 and SAU #48 encourage the reporting party or complainant to use the report form available from the building principal or available from the Superintendent's office. The School Districts recognize, however, that certain students, especially younger children, may not be able to submit a written complaint. In such cases, alternate methods of filing complaints, such as tape recorders or note takers, shall be made available.

The SAU and its School Districts will, as much as possible, respect the confidentiality of the complainant and the individual against whom the complaint is filed, consistent with legal obligations and the necessity to investigate allegations of harassment and take disciplinary action if the alleged misconduct has occurred.

INVESTIGATION AND RECOMMENDATION

The School Districts of SAU #48 and SAU #48 will act to promptly investigate and equitably resolve all complaints of sexual harassment or sexual violence. The Assistant Superintendent as the Title IX officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately inform the superintendent and authorize an investigation. This investigation may be conducted by School District or SAU officials or by a third party designated by the School District.

The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of schools and the Title IX officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the SAU School Board chairperson.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the SAU and School Districts should consider the surrounding circumstances; the nature of the sexual advances; whether the victim viewed the environment as hostile; whether it was reasonable to view the environment as hostile; relationships between the parties involved; the degree to which the conduct affected one or more students' education, or employees' working environment; the type, frequency, and duration of the conduct; the number of

individuals involved; age and sex of the alleged harasser, and the subject of the harassment; other incidents at school; and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment or sexual violence requires a determination based on all of the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, or others who may have knowledge of the alleged incident or circumstances relating to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

The person who is the subject of the complaint will be provided sufficient information about the allegations and a reasonable opportunity to respond to the allegations before the individual is found to have violated this policy and before any corrective action or discipline is imposed. Students who are interviewed may have a parent present during the interview.

In addition, the SAU and School Districts may take any immediate steps necessary, at their discretion, to protect the complainant, students, and employees pending completion of an investigation of alleged sexual harassment.

The Title IX officer shall make a report to the superintendent upon completion of the investigation.

SCHOOL DISTRICT ACTION

Upon receipt of a recommendation that the complaint is valid, the SAU or School Districts will take such action as is deemed necessary and appropriate to end the harassment and prevent its recurrence.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and alleged harasser by the SAU or School Districts. The report will document any disciplinary action taken as a result of the complaint.

The administration should review the victim's records, grades, evaluations, etc., with the view to correcting any injustice(s) that might have occurred as a result of the harassment. In the case of an employee, the School Districts and SAU may need to consider rehiring a terminated employee or offering a promotion or raise that might have been denied.

Disciplinary measures include, but are not limited to, expulsion, termination, verbal and written warnings/reprimands in employee or student files, detention or in-school suspension, out-of-school suspension, behavior contract, requirement of a verbal and/or written apology to the victim, and mandatory education and training on sexual harassment.

Since it is not unusual for harassment to begin after several weeks have lapsed, the harasser should be supervised closely. The victim should be encouraged to report any new problems to the Superintendent or his/her designee. The Superintendent or his/her designee should interview the victim regularly to make sure that there is not recurrence of the harassment. The Superintendent or his/her designee shall document all follow-up with the victim.

REPRISAL

The SAU and School Districts will discipline any individual who retaliates against any person who reports alleged sexual harassment, or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment.

UNSUBSTANTIATED COMPLAINT

The SAU and its School Districts recognize that not every advance or conduct of a sexual nature constitutes harassment. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

If the complaint proves to be unsubstantiated, the investigator must review the findings and report with the complainant.

This review should include a complete description of the investigation and the reasons why the complaint was found to be unsubstantiated.

This should be done without identifying the names of any other students or employees who were contacted and in compliance with FERPA and privacy laws.

Conduct which does not violate this policy, but violates other policies or school rules, will be addressed on a case-by-case basis by the Superintendent or principal, who may still impose discipline or other remedial actions.

REVIEW OF INVESTIGATION

Any victim or accused who is not satisfied of the outcome of the School District or SAU's investigation may file a request for review by the School Board by submitting a written request to the Superintendent within ten (10) working days following receipt of the investigator's findings.

ALTERNATIVE COMPLAINT PROCEDURES

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

The individual may also choose to file the alleged violation or complaint with:

- A. The New Hampshire Commission of Human Rights
2 Chenell Road
Concord, New Hampshire 03301
(603) 271-2767

- B. The Equal Educational Opportunity Office (Title IX)
New Hampshire Department of Education
Coordinator
101 Pleasant Street
Concord, New Hampshire 03301-3860
(603) 271-3743

- C. Director, Office of Civil Rights
U.S. Department of Health & Human Services
Regional Office
JFK Federal Building, Room 1875
Boston, Massachusetts 02203
(617) 565-1340

SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under state statutes. In such situations, the SAU and its School Districts shall comply with the reporting requirements of state law and the procedures under the policy on child abuse.

DISCIPLINARY ACTION

Any action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, state statutes, School District and SAU policies. The SAU and School Districts will take such disciplinary action as they deem necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and prevent its recurrence.

AGE-APPROPRIATE SEXUAL HARASSMENT POLICY

This policy is intended to apply to middle-school and high-school aged students.

The Superintendent and building principals are charged with establishing policies, rules, protocols and other necessary age-appropriate information or materials for the SAU and its School Districts' elementary schools.

POSTING/PUBLICATION

Copies of this policy shall be given to all Employees, Students, and parents annually by publishing in the applicable Handbook.

Postings required by this policy and/or Title IX shall be made on bulletin boards in every school and office where employees as well as students are likely to see them. It is the responsibility of the building principals to assure that the required postings are up to date and displayed appropriately.

First Reading: October 22, 2012

Second Reading and Approval: November 26, 2012

TITLE IX GRIEVANCE FILING FORM

Date _____

Your name _____

Your school and/or position _____

Place where you may be reached _____

Address _____

Telephone Number _____

Nature of your grievance. (Please describe the policy or action you believe may be in violation of Title VII or Title IX and identify and person(s) you believe may be responsible.)

If others are affected by the possible violation, please give their names and/or positions.

If you wish, please describe any corrective action you would like to see taken with regard to the possible Title VII or Title IX violation or provide other information relevant to this grievance.

Signature of grievant

Signature of person receiving grievance

Place of grievance filing