

## DISCRIMINATION AND SEXUAL HARASSMENT

### I. STATEMENT OF POLICY AND DEFINITION OF UNLAWFUL HARASSMENT

The Wakefield School District is committed to providing all staff members with a working environment that is free of sexual and other forms of unlawful harassment. Actions, writing, or comments based upon a person's sex, race, color, religion, sexual orientation, marital status, national origin, pregnancy, age, mental or physical disability, or any other personal characteristic protected under the law will not be tolerated. Harassment (both open and hidden) is a form of misconduct that is unkind and demeaning to others and is strictly prohibited by state and federal law. It is intimidating, offensive, and rude conduct that interrupts a healthy working environment. It can have a negative impact on work performance and make people feel angry, powerless and fearful.

#### SEXUAL HARASSMENT

Sexual Harassment is defined as unwelcome sexual or gender-based conduct that creates a hostile, intimidating or offensive environment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature. Sexual harassment can take many forms. Examples include obscene gestures, excessive flirting, leering, unnecessary physical contact or touching, repeated requests for dates, comments about a person's body or physical appearance, crude jokes, and sexual pictures.

Whether or not conduct is sexual harassment depends upon how the person at whom the conduct is directed and/or the people standing nearby feel about what was said or done, and not upon whether the harasser intended to hurt or bother anyone. People can harass others of the same sex or the opposite sex.

#### OTHER FORMS OF UNLAWFUL HARASSMENT

While it is not always easy to identify precisely what conduct is unlawful harassment, prohibited conduct certainly includes slurs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct concerning someone's sex, race, color, religion, sexual orientation, marital status, national origin, pregnancy, age, mental or physical disability, or any other personal characteristic protected under the law.

Any staff member with questions or concerns about any type of harassment in school is encouraged to bring these issues to the attention of the appropriate School District officials as listed in this policy. The School District encourages that reports and complaints be submitted in writing. In accordance with the law, Wakefield School District must take action if it learns of allegations of unlawful harassment, even if a staff member does not wish to file a formal complaint.

### II. REPORTING COMPLAINTS OF UNLAWFUL SEXUAL HARASSMENT

If an employee believes he or she has experienced harassment, then he or she is encouraged to directly inform the offending person(s) that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser(s), or if direct communication has been ineffective, then that employee is encouraged to immediately notify the Building Principal, the School Nurse, the Guidance Counselor, or the Human Rights Officer. They are the people responsible for receiving oral or written reports or complaints of sexual harassment.

**Mrs. Connie Twombly, Chairperson**  
**Mrs. Peggy Richards**  
**Mr. Joseph Fleck**  
**Ms. Sarah Hayes**  
**Mrs. Desiree Tumas**

**Adopted by the Board: 4 April 2001**  
**Reaffirmed by the Board: 17 October 2002**

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Report forms are available at the Building Principal and Superintendent's office, and you are encouraged to use these forms. If a written complaint has been submitted, it will be forwarded immediately to the Superintendent. If an oral complaint has been submitted, the person receiving the complaint will reduce the complaint to written form within a twenty-four (24) hour period and forward the written summary to the Superintendent (or to the School Board if the Superintendent is the subject of the complaint). Any person receiving a complaint may determine that the facts of the complaint demonstrate an emergency situation, at which point immediate action may be taken to protect the safety and welfare of the person filing the complaint, other staff members, or students.

In the course of handling complaints, the school district will try to maintain confidentiality to the extent possible in carrying out its duty under state and federal law to investigate and correct acts of unlawful harassment. The information will be shared on a need-to-know basis only.

### III. INVESTIGATION OF COMPLAINTS OF UNLAWFUL SEXUAL HARASSMENT

By authority of the Wakefield School District, the Superintendent (or the School Board, if the Superintendent is the subject of the complaint) will immediately authorize an investigation after receiving a complaint of harassment. School district officials or a third party designated by the Superintendent or School Board may conduct this investigation. The investigator shall interview the staff member to determine the facts, including but not limited to, the following:

- The exact nature of the complaint;
- The date, time, and place of the incident(s);
- The number of times the harassment occurred;
- The target's feelings at the time the harassment occurred;
- The target's response to the harassment;
- The names of witnesses or persons who have knowledge about the incident; and
- Any available written documentation or other evidence that is relevant to the incident.

The investigator will provide a written report of the investigation to the Superintendent within ten (10) school days of the school district's first receipt of the report or complaint, or longer, if reasonably necessary. The Superintendent will then report the status of the investigations to the School Board and, if deemed appropriate, to the person that filed the complaint, the accused harasser or other people. If the Superintendent is the subject of the report or complaint of harassment, the report will be submitted directly to the chair of the School Board.

The investigation may consist of personal interviews with the person that filed the complaint, the accused harasser(s), and any other individuals that might have knowledge of the conduct at issue or the facts and circumstances leading to the complaint. The investigator may also review certain documents or take other steps to gather other information needed to prepare a thorough report.

### IV. PROHIBITION AGAINST RETALIATION

All employees should note that retaliation against an employee who has complained of harassment or against individuals cooperating with the investigation of a harassment complaint in unlawful and will not be tolerated. The Wakefield School District guarantees that no employee will be subject to any form of retaliation or discipline for lodging any complaints of harassment. Retaliation is against Wakefield School District policy and will be treated in the same manner as other forms of harassment.

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### V. SCHOOL DISTRICT ACTION

The investigator must also forward the investigator's report to the human rights' officer who will review the report and determine whether the claimed conduct, together with any additional conduct that may have been discovered during the course of the investigation, is a violation of this policy and what disciplinary or corrective action should be taken as a result. If the human rights officer is the subject of the investigation, another school official will be responsible for making the determination. In determining, whether the claimed conduct that is the subject of the report or complaint or that is learned as a result of the investigation constitutes unlawful harassment in violation of this policy, the nature of the conduct at issue, the relationship between the people involved and the context in which the claimed conduct occurred will be considered.

After the human rights officer or other school official has made the required determinations as to whether a violation of this policy has occurred and what disciplinary or corrective action should be taken as a result, the person that filed the complaint and the accused harasser(s) will be notified in writing of the outcome of the investigation and any disciplinary action that is taken.

The person making the complaint and the harasser(s) may appeal the investigator's recommendations to the Superintendent and/or the School Board. If the Superintendent is the subject of the investigation, then the School Board can hear the appeal.

### VI. RIGHT TO SEEK ALTERNATE COMPLAINT PROCEDURES

The procedures set forth in this policy do not prevent an employee that has been the target of unlawful harassment from filing a report or complaint directly with the following governmental agencies:

New Hampshire Human Rights Commission (NHHRC)  
2 Chenell Road  
Concord, NH 03301  
(603) 271-2767

Equal Employment Opportunity Commission (EEOC)  
10 Congress Street  
10th Floor  
Boston, MA 02114  
(617) 565-3140

### VII. HARASSMENT IN VIOLATION OF NEW HAMPSHIRE'S HATE CRIMES LAW

Under certain circumstances, harassment or threats of violence to a person or property motivated by race, color, religion, national origin, ancestry, sexual orientation, gender or disability may be treated as conduct that violates New Hampshire's Hate Crimes Law. In such circumstances, Wakefield School District will obey the law and may seek assistance for the New Hampshire's Attorney General's Office in addressing the matter.

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## VIII. DISCIPLINE FOR CONDUCT IN VIOLATION OF THIS POLICY

The Wakefield School District will take such action as it considers in its discretion to be necessary and appropriate to address violations of this policy. Discipline may include, but is not necessarily limited to, verbal or written warning, suspension or termination of employment.

**Administrative Rules:**

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Appendix GBAA-R

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