

NORTH COUNTRY SUPERVISORY UNION COMMON BOARD POLICY MANUAL

PERSONNEL

D.12 HARASSMENT OF EMPLOYEES

(REQUIRED)

I. Policy

Harassment is a form of unlawful discrimination that will not be tolerated in the NCSU. Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein 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 pursuant to this policy is prohibited.

II. Definitions

A. **Employee:** For purposes of this policy, any person employed by and subject to the direct supervision of the district or NCSU.

B. **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 intimidating, hostile or offensive environment.

C. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by an NCSU or District employee or a person engaged to perform work or a service for the NCSU or District when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. 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
3. 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.

D. **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.

III. 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.

A. Sex

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions 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.

Please be aware that any sexual harassment allegations must be considered and processed pursuant to the NCSU's Title IX policy.

B. 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.

C. 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.

D. 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.

E. 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 age.

F. 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 parent.

G. 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.

H. 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.

I. 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.

J. 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.

IV. Training

The North-Country-Supervisory-Union shall implement a reasonable training program to make employees aware of the NCSU's sexual harassment policies and procedures.

V. Procedure

A. **Duty to Investigate.** In the event the district or 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 North Country Supervisory Union and member districts are committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.

B. **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 Coordinators: Brian Carroll and Jessica Puckett,
Address: NCSU, 121A Duchess Ave., Newport, VT 05855
Telephone number: 802-334-5847, ext. 2021

Principal: please refer to the Attachment for a listing of school Principals with contact information.

C. **Investigation.** Allegations of unlawful harassment will be promptly investigated by a Non-Discrimination Coordinator or 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 or Supervisory Union will take appropriate disciplinary and/or corrective action. The Non-Discrimination Coordinator or designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) 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.

D. **Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the Non-Discrimination Coordinators or the Principal.

E. **Alternative Complaint Processes.** Employees may file complaints with both the district or NCSU 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:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, Telephone: (802)828-3171. Complaints should be filed within 300 days of any unlawful harassment.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, Telephone: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

F. **Confidentiality.** Witnesses, complainant, and the accused shall keep confidential matters related to the charge of unlawful harassment.

Boards	Adopted	Amended	Amended	Revised	Revised	Revised
Brighton	07/09/2002	09/08/2011	01/10/2013	02/13/2019	10/11/2023	
Charleston	06/13/2002	07/13/2011	01/09/2013	02/13/2019	10/11/2023	
Coventry	06/05/2002	07/27/2011	01/16/2013	02/20/2019	10/18/2023	
Derby	05/06/2002	07/18/2011	01/02/2013	02/05/2019	10/03/2023	
Holland	07/08/2002	08/15/2011	01/14/2013	02/05/2019	N/A	
Jay/Westfield	06/12/2002	07/12/2011	02/12/2013	02/12/2019	10/10/2023	
Lowell	06/10/2002	09/21/2011	01/16/2013	02/18/2019	10/16/2023	
Morgan	06/13/2002	08/11/2011	01/10/2013	02/25/2019	N/A	
Newport City	07/15/2002	06/20/2011	12/17/2013	02/25/2019	10/16/2023	
Newport Town	06/12/2002	09/14/2011	02/13/2013	02/14/2019	10/18/2023	
Troy	07/15/2002	07/13/2011	01/09/2013	02/07/2019	10/10/2023	
NCUHS	08/27/2002	12/22/2011	01/22/2013	02/19/2019	10/17/2023	
NCUJHS	08/26/2002	10/18/2011	01/15/2013	02/19/2019	10/17/2023	
NCSU			12/13/2012	02/21/2019	10/26/2023	