

SANBORN REGIONAL SCHOOL DISTRICT

SRSD File: JBAA (also ACAA and GBAA)

SEXUAL HARASSMENT

Statement of Purpose

Title VII of the Civil Rights Act of 1964 prohibits discrimination because of sex or gender and New Hampshire's Law Against Discrimination (RSA 354-A) prohibits discrimination on the basis of gender, including sexual orientation. Title IX of the 1972 Education Amendments to the Civil Rights Act states: "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance."

Sexual harassment is a form of unlawful discrimination prohibited by applicable federal and state law and is a violation of this policy.

This policy defines prohibited sexual harassment, based upon sex and sexual orientation; charges those responsible for compliance, provides for awareness by all members of the educational community and guests, prescribes the method within and outside the district for complaints by those who believe they have been subjected to such harassment, and lists possible remedies and/or sanctions for harassment.

Statement of Policy

It is the policy of the Sanborn Regional School District to provide educational environments in which all members of this academic community may work and learn in an atmosphere of respect for the dignity and worth of all its members. Such an environment is one that is free of all forms of sexual harassment. Sexual harassment of any employee or student by any other employee or student, or by anyone with whom a student or employee interacts in order to fulfill job or school responsibilities is a violation of the policy. The School District will not tolerate unlawful harassment of any type.

Employees and/or students who believe they are the subject of harassment, or anyone having questions or concerns regarding harassment, are encouraged to contact one or more of the following individuals: (1) Superintendent of Schools, SAU #17, 178 Main Street, Kingston, New Hampshire, 03848-3249 (Telephone: 603-642-3688); (2) the Title IX Coordinator who is the Director of Student Services, 178 Main Street, Kingston, New Hampshire 03848-3249 (Telephone: 603-642-3688); (3) any District Administrator; and (4) any District Principal/Assistant Principal.

Sexual Harassment Defined

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, non-verbal, verbal, and/or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's obtaining or retaining employment, or obtaining an education or academic standing; or

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2. Submission to or rejection of such conduct or communication by an individual is used as the basis for employment or academic decisions affecting that individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's educational or employment performance or creating an intimidating, hostile, or offensive educational or employment environment.

Examples of conduct, which may constitute sexual harassment, are:

- graphic comments about a person's clothing, body, or sexual activity
- sexual propositions
- touching, patting, pinching, or leering
- derogatory gender-based attempts at humor
- demanding sexual favors accompanied by implied or overt threats concerning one's job, grades, letters of recommendation, etc.
- dirty jokes
- sexually suggestive objects or pictures
- sexually explicit gestures
- sexually suggestive verbalizations/noises such as whistling, wolf calls, smacking of lips, and calling out, such as "Hey, Baby", etc.
- sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose

Individuals shall not be reprimanded or discriminated against in any way for initiating an inquiry or complaint. Retaliation of any kind against any person who institutes a complaint or assists in an investigation concerning instance(s) of alleged sexual harassment is strictly prohibited. The rights of an individual against whom a complaint is brought will also be protected. It is expected that those involved with sexual harassment investigations will protect the confidentiality of all information relating to the case, and that information will only be shared on a need-to-know basis.

All employees are responsible for preventing and eliminating harassment. Any employee who has knowledge of or who has witnessed situations of possible sexual harassment must make this information known to the building administrator, Title IX Coordinator, or Superintendent. An employee's failure to report an incident of sexual harassment in a timely manner is a serious matter and may be subject to disciplinary action. Immediate steps shall be taken to protect the individual from further harassment.

In compliance with applicable federal and state law, it is the policy of the District to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination.

It is recognized 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. Victims of sexual harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation or reprisal. Upon filing complaints, victims may request an investigator of their same gender and may be represented by any person of their choice.

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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 District, or any third person with knowledge or belief of conduct which may constitute sexual harassment or sexual violence should report the alleged acts immediately to an appropriate District official as designated by this policy. The District encourages the reporting party or complainant to use the report form available from the Principal of each building or available from the Superintendent's office.

1. 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 within 24 hours notify the Superintendent of Schools and the Title IX Coordinator. If the report was given verbally, the Principal shall reduce it to written form within 48 hours and forward it to the Superintendent and the Title IX Coordinator. 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 or Title IX Coordinator, the complaint shall be filed directly with the Superintendent of Schools. If the complaint involves the Superintendent, it shall be filed directly with the School Board.
2. District-Wide The School Board hereby designates the Director of Student Services as the School District Title IX Coordinator to receive reports or complaints of sexual harassment or sexual violence from any individual, employee, or victim of sexual harassment or sexual violence and also from the building Principals as outlined above. If the complaint involves the Title IX Coordinator, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board.
3. If an employee or student is more comfortable bringing his or her concerns to a person other than the Principal, Title IX Coordinator, or Superintendent, the employee or student should contact any teacher, counselor, or District Administrator with whom he/she is comfortable.
4. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

Investigation and Recommendation

1. The Sanborn Regional School District will investigate all forms of harassment. Investigations made and actions taken will be consistent with the requirements of collective bargaining agreements, school district policies, and federal and state laws.
2. Upon receipt of a report or complaint alleging sexual harassment, the Title IX Coordinator shall assume responsibility for the investigation or may authorize an investigation by a third party who shall report to the Title IX Coordinator.
3. The allegation(s) will be properly drafted and the investigative procedure will be explained to the complaint.

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4. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the Investigator.
5. Persons accused of harassment will be given sufficient information about the allegations and a reasonable opportunity to respond before they are found to have harassed another and before any corrective action or discipline is imposed.
6. Reports of harassment and related information will be kept confidential in a manner consistent with the District's obligations under law, to the extent possible, without handicapping the ability to perform an investigation or the need to take appropriate action to fulfill the obligation to protect others. Any complainant or respondent may request records as the law allows. This request would be made through the Title IX Coordinator. All materials gathered in the course of the investigation, including the complaint, response, witness statements, investigators' notes, and supporting documentation will be maintained in separate, confidential, investigative files in the SAU Office.
7. The District will employ interim steps to protect parties and to prevent the possible continuation of harassment and/or retaliation during the investigation.
8. Consistent with District policies on child abuse, the Safe Schools Act, and state law, upon receipt of any complaint that contains evidence of violence or criminal activity, the Principal, the Title IX Coordinator, the Superintendent, or School Board shall refer the complaint to law enforcement officials and appropriate child protection authorities for investigation.
9. Nothing in this policy prohibits the District from taking immediate action to protect victims of alleged child abuse including immediate suspension of a student or placement of an employee on administrative leave pending the outcome of an investigation.
10. Parents of both the victim and the accused (in cases of student-on-student harassment) shall be notified promptly of any allegations.
11. The Title IX Coordinator shall report the incident to the District's insurance carrier.
12. The Title IX Coordinator will complete the investigation within fourteen (14) days of filing of the complaint, unless the severity or seriousness of case requires an extension of this time frame. If the investigation requires an extension of the fourteen (14) day time frame, the Title IX Coordinator shall provide written notice to the complainant and Superintendent of the expected date for completion of the investigation.

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13. The Investigator shall file a report with the Superintendent no later than seven (7) days following completion of the investigation. The Superintendent will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the report or take appropriate action, the Investigator will provide all parties with a written status report and an expected completion date. If the subject of the investigation is the Superintendent, the Investigator shall file the report with the School Board and the School Board will notify the victim and alleged harasser in writing of the outcome of the investigation.
14. If the complainant and/or respondent are dissatisfied with the investigations recommendations, he/she may submit a written request for review to the Superintendent of Schools within fourteen (14) calendar days. The Superintendent of Schools must respond, in writing, within seven (7) calendar days. The Superintendent reserves the right to extend the seven (7) day response period where business needs so require, upon written notice to the parties. If the complaint involves the Superintendent, the complainant and/or respondent may appeal the investigations recommendations to the School Board.
15. At all times victims have the right to pursue alternative procedures as set forth below.

Action if Complaint is Valid

1. Upon determination that the complaint is valid, the School District shall take such disciplinary action as it deems necessary and appropriate to end harassment, and prevent its recurrence.
2. 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.

Action if the Complaint is not Substantiated

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.

Retaliation

The School District will discipline any individual who retaliates or encourages others to retaliate 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.

Confidentiality

Except as otherwise required by law, no information concerning the complaint of sexual harassment will be released by the School District to anyone who is not involved with the investigation or with any resulting subsequent proceedings.

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Right to Alternative Complaint Procedure

1. This policy/regulation does not deny the right of an individual to pursue other avenues of recourse which may include initiating civil action or seeking redress under state criminal statutes and/or federal law.
2. The individual may choose to file the alleged violation or complaint with:

Office for Civil Rights/Boston
US Department of Education
5 Post Office Square
Boston, MA 02109-3921
Telephone - (617) 289-0111
FAX - (617) 289-0150
www.ed.gov

or

New Hampshire Commission for Human Rights
2 Chenell Drive, #2
Concord, NH 03301-8501
Telephone - (603) 271-2767
Email – humanrights@nhsa.state.nh.us

Posting/Publication

1. Copies of this Policy shall be given to all Employees, Students, and parents annually by publishing in the applicable Handbook.
2. Each new School District employee and student shall receive and sign for a copy of the District's policy.
3. Principals and supervisors are responsible to ensure that this policy is conspicuously posted in each classroom, school office, and other appropriate student/employee work areas, and that it is printed in each school's student handbook. The posting shall include the name, mailing address, and telephone number of the Title IX Coordinator.
4. It shall be the responsibility of the Superintendent of Schools to see that the District establishes educational programs designed to inform all employees and students of the nature of such harassment, to increase their sensitivity to it, and to publicize the procedures, sanctions, and remedies available against it.

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Legal Reference

*NH Code of Administrative Rules, Section Ed. 303.01(j) Substantive Duties of School Boards;
Sexual Harassment Policy*

NH Code of Administrative Rules, Section 306.04 (a)(8), Student Harassment

Related Policies:

AC – Non-discrimination

GBA – Equal Opportunity Employment

GBGAA – Personnel with HIV/AIDS

JLCCA – Students with HIV/AIDS

Effective: June 22, 1994

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