

NEW BOSTON SCHOOL DISTRICT

GBAA

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES

I. PURPOSE

The purpose of this policy is to maintain a work environment that is free from sexual harassment and violence, or other improper or inappropriate behavior that may constitute harassment as defined below.

Any form of sexual harassment or violence is strictly prohibited.

It is a violation of this policy for any employee or third party to harass any person through conduct or communication of a sexual nature as defined by this policy.

“Employee” shall include, but not be limited to all New Boston School District staff, administrators, volunteers and/or other such personnel whose employment or position is directed by the District.

“Third parties” include, but are not limited to parents, District visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control.

The District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and will take any and all steps it deems appropriate against any employee or third party who sexually harasses or is sexually violent toward another person including warning, suspension or immediate discharge and/or removal from the premises to end sexual harassment and sexual violence and prevent its recurrence.

II. Sexual Harassment/Sexual Violence Defined

- A. Sexual harassment is defined as 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 or condition, either explicitly or implicitly, an individual’s employment; 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
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive employment environment.

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES

- B. Sexual harassment may include but is not limited to:
1. Verbal harassment and/or abuse of a sexual nature;
 2. Subtle pressure for sexual activity;
 3. Inappropriate or unwelcome patting, pinching or touching whether or not it is sexually motivated;
 4. Intentional brushing against an employee's body;
 5. Demanding sexual favors accompanied by implied or overt threats;
 6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment;
 7. Any sexually motivated unwelcome physical contact; or
 8. Sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

III. Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment or sexual violence should report the alleged act(s) immediately to his or her building Principal. If the alleged perpetrator is the employee's building Principal, the alleged victim may report the allegation to any other district employee. That employee shall then report the allegation immediately to an appropriate District official, as designate by this policy.

- A. The District encourages the reporting employee to use the report form available at the end of this policy.
- B. Upon receipt of a report, the Principal must notify the HR Director and the Superintendent of Schools immediately without screening or investigating the report. 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 properly notify the HR Director or Superintendent of 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 HR Director.
- C. District-Wide. The Board designates the Human Resources Director as the District Human Rights Officer to receive reports or complaints of sexual harassment and sexual violence. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board.

The District shall post the name of the Human Rights Officer, on the staff bulletin board including a mailing address and telephone number.

- D. Submission of a complaint or report of sexual harassment or sexual violence will not affect the employee's standing, future employment, or work assignments.

NEW BOSTON SCHOOL DISTRICT

GBAA

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES

The District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence.

IV. Investigation and Recommendation

The Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence shall immediately commence an investigation. The investigation may be conducted by District officials or by a third party designated by the Superintendent, or if the complaint involves the Superintendent by the Human Rights Officer. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent. If the Superintendent is the subject of the complaint, the report shall be submitted to the Board.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the investigator should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved 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 the facts and surrounding circumstances.

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. Students who are interviewed may have a parent present during the interview.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, pending completion of an investigation of alleged sexual harassment or sexual violence.

If the determination is made that a third-party designee should conduct the investigation, the District agrees to assent to that party's methods of investigation.

Upon completion of an investigation conducted by either the District or a third-party, the Superintendent will be provided with a written factual report and recommended action. In the event the allegation is against the Superintendent, the report will be provided to the Board Chair.

NEW BOSTON SCHOOL DISTRICT

GBAA

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES

V. School District Action

If the investigating party determines that the alleged conduct constituted sexual harassment, the Superintendent may discipline the offending employee. Such discipline may include, but is not limited to, a warning, training, temporary suspension or dismissal. Any discipline will be in accordance with all laws and collective bargaining agreements, if applicable. A complainant will not be informed of any disciplinary action taken against the accused but they will be informed that the claim was found valid and that appropriate action will be taken based on the findings.

If the investigating party determines that the alleged conduct did not constitute sexual harassment, both the complaining party and the accused will be informed of such. No disciplinary action will be taken.

Conduct which does not rise to the level of sexual harassment as defined by the policy, but is nonetheless inappropriate or in violation of other related Board policies, will be addressed on a case-by-case basis by the Superintendent, who may order the offending employee to engage in some remedial action.

In the event the allegation(s) are against the Superintendent, any further action including discipline will be determined by the SAU Board.

VI. APPEAL OF INVESTIGATOR'S RECOMMENDATION

Either the complainant or the accused may appeal the investigator's recommendation and subsequent District action, if any, to the School Board.

After a hearing, the School Board will vote to either accept or deny the investigator's recommendation and resulting discipline.

Either party may then appeal the Board's decision in accordance with applicable law.

VII. Reprisal

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

VIII. Sexual Harassment or Sexual Violence as Sexual Abuse

Under certain circumstances, sexual harassment or sexual violence may constitute sexual abuse under New Hampshire law. In such situations, the District shall comply with said law.

NEW BOSTON SCHOOL DISTRICT

GBAA

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged sexual abuse.

IX. By-Pass of Policy

Any individual with a sexual harassment complaint may choose to bypass this policy and accompanying regulation and proceed directly to: NH Commission on Human Rights, Health and Human Services, Region #1, Room 2403, JFK Federal Building, Government Center, Boston, MA 02203. (617)565-1340.

Legal Reference:

NH Code of Administrative Rules – Section Ed. 303.01(j), 1-9 Substantive Duties of School Boards

*NH Code of Administrative Rules Section Ed. 306.04(a)(9), Sexual Harassment
RSA 354-A:7, Unlawful Discriminatory Practices*

Proposed: 09/12/02

NHSBA Review: 01/23/14

Adopted: 10/08/02

Proposed: 10/30/19

Proposed: 02/04/2020

Adopted: 02/19/2020

Unsuspending by Superintendent 10/15/2020

NEW BOSTON SCHOOL DISTRICT

GBAA

SEXUAL HARASSMENT AND SEXUAL VIOLENCE - EMPLOYEES
REPORT FORM

Complainant: _____

Home Address: _____

Work Address: _____

Home Phone: _____

Work Phone: _____

Name of person(s) responsible for the Harassment: _____

Date/Time/Location Harassment occurred:

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; and verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved, etc. (Attach additional pages if necessary):

Were other persons involved with the Harassment?: _____

If Yes, name person(s) responsible/involved, and describe their involvement:

List any witnesses to the harassment: _____

I hereby certify that the information I have provided in this Report Form is true, correct and complete to the best of my knowledge and belief.

Signature of Complainant: _____

Date: _____

Proposed 10/30/19
Proposed: 02/04/2020
Adopted: 02/19/2020