

Purpose

The Pelham School Board expects all employees and members of the school community to conduct themselves in an appropriate and professional manner, with concern, dignity and respect for their fellow employees and the students. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990, and RSA 354-A.

Policy

The Pelham School Board will not tolerate any type of unlawful harassment based on age, race, color, religion, sex, national origin, sexual orientation, gender identity, gender expression, gender transition, transgender status, gender non-conformity, marital status, physical or mental disability, or veteran status by employees, vendors or visitors on school property or at school-sponsored events.

The Pelham School Board has determined that the most effective way to limit harassing conduct is to treat it as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964. A hostile environment claim under title VII usually requires a pattern of severe and pervasive conduct. A single utterance of, for instance, an ethnic, sexual, or racial epithet that offends an employee would not be severe enough to constitute unlawful harassment in violation of Title VII. The Pelham School District will not wait for such a pattern to emerge. Rather, the School District will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. It is the School Board's view that such conduct is inappropriate and must be stopped.

The Pelham School District will actively investigate any allegation of unlawful harassment. If it is determined that unlawful harassment has occurred, the School District will take appropriate disciplinary action. The School District will also take all necessary measures to protect those who report incidents of alleged harassment or participate in the investigative process in any way from retaliation and additional harassment. This policy is not meant to replace the School District's Sexual Harassment Policy. Allegations of sexual harassment will be investigated under the Sexual Harassment Policy Definition.

Harassment is unwelcome verbal, graphic, or physical conduct, or written or electronic communications, based on the race, color, sex, sexual orientation, gender identity, gender expression, gender transition, transgender status, gender non-conformity, religion, age, national origin, marital status, disability, and other legally protected characteristics when:

1. The conduct is sufficiently severe or pervasive to create a hostile work environment; or
2. The submission or rejection of the conduct is used as a basis for employment decisions (for example, demotion, termination, failure to promote, etc.); or
3. Submission to such conduct is made either explicitly or implicitly a term or condition of employment

Hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race, or other legally protected characteristics unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment. Anyone in the workplace might commit this type of harassment – a supervisor, co-worker, or non-employee, such as a contractor, substitute, vendor, volunteer, or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Harassing conduct includes, but is not limited to:

1. Epithets, slurs or negative stereotyping.
2. Threatening, intimidating or hostile acts.
3. Denigrating jokes or gestures.
4. Written or graphic material (i.e., calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that denigrates or shows hostility or aversion toward a group or an individual believed to be part of a particular group.
5. Written or graphic material that is placed on walls or elsewhere on school premises, or is circulated in the workplace.
6. Using electronic equipment to distribute, view, or otherwise disseminate materials or messages that are abusive, profane, threatening, defamatory or offensive.
7. Conditioning employment terms on submission to harassing conduct, sexual advances, requests for sexual favors, etc.

Implementation

All Pelham School District employees are responsible for cooperating fully in the enforcement of this anti-harassment policy. Employees must not engage in harassing conduct whether on school property or offsite (i.e., co-curricular events, field trip, etc.).

Employees subjected to harassment should promptly follow the procedures in this policy to bring the matter to the attention of their building principal. Supervisors and other management officials must act promptly and effectively to correct any harassment that does occur.

The Superintendent of Schools and Director of Human Resources shall receive reports of harassment, be responsible for further inquiries into such reports when necessary and must provide oversight, technical assistance and support to the building Principal to assure compliance with this policy.

The Superintendent of Schools or his/her designee will conduct inquiries into reports of harassment and assure that investigations are swift, thorough, impartial, and appropriate to the allegation.

Complaint Procedure

Any employee who believes he or she has been subject to unlawful harassment shall report the conduct to their building principal/supervisor. If this is not possible, individuals are encouraged to seek assistance from the Human Resources Director. If you believe you are being harassed by your immediate supervisor, you should notify the Human Resources Director's office and/or the Superintendent of Schools.

In addition, employees who observe or are made aware of possible harassment in the workplace have an obligation to immediately report the incident to their building Principal, supervisor and/or the Director of Human Resources.

All information will be maintained on a confidential basis to the greatest extent possible. When a principal/supervisor is notified of alleged harassment, he or she must notify the Superintendent of Schools and/or Director of Human Resources immediately.

A complaint alleging harassment, whether written or oral, should include the specific nature of the incident, date, and place of the incident, names of all parties involved, as well as a detailed report of all pertinent facts.

Complaints of harassment will be promptly and carefully investigated. Investigations will include interviews with all relevant persons, including the accused and other potential witnesses. Appropriate remedial action will be taken in all cases where harassment is found to have occurred. Disciplinary action up to and including discharge may be taken against any employee who violates this policy.

The Pelham School Board prohibits any form of retaliation against any employee for making a good faith complaint under this policy or for assisting in a complaint investigation. Any person who engages in retaliatory conduct prohibited by this policy will be subject to appropriate disciplinary action, up to and including termination of employment. However, if, after investigating any complaint of harassment or unlawful discrimination, the District determines that an employee has provided false information regarding the complaint, disciplinary action up to and including termination may be taken against the individual who gave the false information.

Legal References

RSA 354-A:6, Opportunity for Employment without Discrimination a Civil Right

RSA 354-A:7, Unlawful Discriminatory Practices

The Age of Discrimination in Employment Act of 1967

Title II of the Americans with Disabilities Act of 1990

Title VII of the Civil Rights Act of 1964 (15 or more employees)

Appendix: AC-R

First Reading: August 10, 2016

Second Reading: August 24, 2016

Adopted: August 24, 2016