

Sexual Harassment

I. GENERAL STATEMENT OF POLICY

Sexual Harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. 2000e, et seq., and Title IX.

It is the policy of the Keene School District to maintain a learning and working environment that is free from sexual harassment. The Keene School District prohibits any form of sexual harassment.

It shall be a violation of this policy for any student, employee, or non employee working at a Keene School District site to harass a student, employee or non employee working at a Keene School District site through conduct of a sexual nature as defined by this policy.

The Keene School District will act to investigate all complaints, either formal or informal, verbal or written, of alleged sexual harassment and to discipline any student or employee who sexually harasses a student, employee or non employee working at a Keene School District site. Non-employees determined to have sexually harassed a student, employee, or non-employee while working at a Keene School District site will be denied access to Keene School District sites and may be reported to their employer.

II. DEFINITION

A. Sexual harassment consists of 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, of obtaining or retaining employment or of obtaining an education; or
2. Submission or rejection of that conduct or communication by an individual is used as a factor in decisions effecting employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creates an intimidating, hostile, or offensive employment or educational environment.

Any sexual harassment, as defined, when perpetrated on any student, employee, or non-employee working at a Keene School District site will be treated as sexual harassment under this policy.

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 patting or pinching;
4. intentional brushing against a person's body;
5. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to the individual's employment or educational status; or
7. unwelcome sexually motivated touching.

III. REPORTING PROCEDURES

Any person who believes he or she has been a victim of sexual harassment or any third party with knowledge or belief of conduct which may constitute sexual harassment should report the alleged act immediately to an appropriate Keene School District official as designated by this policy.

A. In each school building:

1. The building Principal is responsible for receiving oral or written reports of sexual harassment at the building level. A report involving a building Principal should be made to the Director of Human Resources.
2. Students may report sexual harassment to ANY adult.
3. Any adult receiving a report from a student of alleged sexual harassment or of conduct that could be construed as sexual harassment must report this to the building Principal without screening or investigating the report. Failure by any adult to forward any sexual harassment report or complaint to the building Principal will result in disciplinary action up to and including termination.
4. Upon receipt of a report, the building Principal must notify the Director of Human Resources and forward any written material received immediately without screening or investigating the report.

5. If the report was given verbally, the Principal shall reduce it to written form within 24 hours and forward it to the Director of Human Resources.
 6. Failure to forward any sexual harassment report or complaint as provided in this policy will result in disciplinary action.
- B. District-Wide:
1. The Board hereby designates the Director of Human Resources as the Keene School District Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee, or victim of sexual harassment and also from the building Principals as outlined above.
 2. The Keene School District shall conspicuously post the name of the Human Rights Officer, including mail and email addresses and phone number.
- C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignment.
- D. The use of formal reporting forms is not mandatory
- E. The Keene School 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 Keene School District's legal obligations, the necessity to investigate allegations of sexual harassment, and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

- A. By authority of the Keene School District, the Human Rights Officer shall, upon receipt of a report or complaint alleging sexual harassment authorize an investigation.
1. This investigation may be conducted by Keene School District officials assigned by the Human Rights Officer or by a third party designated by the Keene School District.
 2. The investigating party shall provide a written report of the status of the investigation to the Superintendent within 10 working days.
 3. If the Superintendent is the subject of the complaint, the report shall be submitted to the Chair of the Keene School Board.
- B. The investigation must consist of personal interviews with the complainant, the individual(s) against who the complaint is filed, and others identified as witnesses by the complainant and the accused. In addition, personal interviews may be conducted with those 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 and appropriate by the investigator. The individual(s) against who the complaint is filed shall be

informed they have the right to have a representative from their collective bargaining unit present during any of his or her interviews.

C. In determining whether the alleged conduct constitutes sexual harassment the Keene School District shall consider at minimum:

1. the surrounding circumstances,
2. the nature of the sexual advances,
3. the relationship between the parties, and
4. the context in which the alleged conduct occurred

Whether a particular action or incident constitutes sexual harassment requires a determination based on all the facts and surrounding circumstances.

D. The Keene School District may take immediate steps, at its discretion, to protect the complainant, students, and employees pending completion of an investigation of sexual harassment.

V. KEENE SCHOOL DISTRICT ACTION

A. Should the investigation find the sexual harassment complaint valid, the Keene School District will take such action as appropriate based on the results of the investigation.

B. The complainant or the accused may appeal the investigation findings to the Superintendent (presuming the Superintendent was not the investigator) or to the Keene School Board.

C. The findings of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant and the accused by the Keene School District. The report will document any disciplinary action taken as a result of the complaint.

VI. REPRISALS

The Keene School District will discipline any individual who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisals, or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures may not limit the right of any individual to pursue other avenues of recourse, which may include filing charges with the Commissioner of Education, initiating a civil action, or seeking redress under state criminal statutes and/or federal law.

VIII. SEXUAL HARASSMENT AS SEXUAL ABUSE

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

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

IX. DISCIPLINE

The Keene School District will take such disciplinary action it deems necessary and appropriate including but not limited to warning, suspension, or immediate discharge to end sexual harassment and to prevent its recurrence.

X. BY-PASS OF POLICY

Any individual with a sexual harassment complaint may choose to by-pass this policy and procedure and proceed directly to: N.H. Commission on Human Rights, at 2 Chenelle Dr., Concord, NH, phone 603-271-2767 or the US Department of Health and Human Services, Office for Civil Rights, Region 1, JFK Building, Room 1875, Boston, MA 02206, phone 617-656-1340.

XI. GRIEVANCE PROCEDURE

Any individual covered by a collective bargaining agreement (CBA) has the right to utilize the grievance procedure outline in their CBA.

XII. TRAINING AND INFORMATION DISSEMINATION

- A. This policy will be readily available to all employees.
- B. Training may be provided at the building level if requested by the Principal or deemed necessary by the District Human Rights Officer.
- C. Each school's student handbook will contain an age appropriate statement prohibiting sexual harassment, an explanation of how to report sexual harassment, and will identify the District Human Rights officers and their contact information.

Approved KBE: October 9, 2007