

## **SEXUAL HARASSMENT AND SEXUAL VIOLENCE**

### **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. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

It is the policy of the school district to maintain a learning and working environment that is free from sexual harassment and sexual violence. The school district prohibits any form of sexual harassment and/or sexual violence.

It shall be a violation of this policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

It shall be a violation of this policy for any student or employee to be sexually violent to a student or employee.

The school board will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment or sexual violence and to discipline any student or employee who sexually harasses or is sexually violent to a student or employee of the school district.

### **II. SEXUAL HARASSMENT/SEXUAL VIOLENCE DEFINED**

- a. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact 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, for obtaining or retaining employment or of obtaining an education; 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 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 creating an intimidating, hostile or offensive employment or educational environment.

Any sexual harassment as defined, when perpetrated on any student or employee, by any student or employee, 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 student's or an employee'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 an individual's employment or educational status;
  - 7. any sexually motivated unwelcome touching; 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/she has been the victim of sexual harassment or sexual violence by a student or an employee of the school 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 assistant superintendent as designated by this policy. The school board requires the reporting party or complainant to use the report form available from the building administrator and/or assistant superintendent of schools. Either the building administrator and/or assistant superintendent of schools may assist the complainant in completing the required form (GBAA-R). The form must be signed by the complainant and, in addition, his/her legal guardian if the complainant is under the age of 18.

- a. In each school building: The building administrator 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 building administrator must notify the assistant superintendent of schools immediately without screening or investigating the report. A written report will be forwarded simultaneously to the assistant superintendent. If the report was given verbally, the building administrator shall reduce it to written form within 24 hours and forward the report to the assistant superintendent. Failure to forward any sexual harassment or sexual violence reports or complaint as provided herein will result in disciplinary action. If the complaint involves the building administrator, the complaint shall be filed directly with the superintendent of schools.
- b. District-wide: The school board hereby designates the assistant superintendent of schools as the school district human rights officer to receive reports or complaints of sexual harassment and sexual violence from any individual, employee, or victim of sexual harassment or sexual violence and also from the building administrator as outlined above. If



the complain involves the superintendent, the complaint shall be filed directly with the chairperson of the school board.

- c. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, or work assignments.
- d. The school board will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed consistent with the school district's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence. The school board will take disciplinary action when the conduct has occurred.

#### IV. INVESTIGATION AND RECOMMENDATION

By authority of the school board, the assistant superintendent shall immediately authorize an investigation upon receipt of a report or complaint alleging sexual harassment or sexual violence. This investigation may be conducted by a school district official or by a third party designated by the school board. The investigating party shall provide a preliminary written report within five (5) days of the reporting of the incident. Within ten (10) working days, a final written report will be submitted to the superintendent of schools. If the superintendent is the subject of the complaint, the report shall be submitted to the chairperson of the school board.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the school board 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, the 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.

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

#### V. SCHOOL DISTRICT ACTION

- a. Upon receipt of a recommendation that the complaint is valid, the school board will take such action as appropriate based on the results of the investigation.



- b. The results of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school board. The report will document any disciplinary action taken as a result of the complaint.

## VI. REPRISAL

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

## VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

## 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 school board shall comply with said law.

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

## IX. DISCIPLINE

The school board will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.

### ***Legal References:***

Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 USC § 2000e, et seq.  
NH Code of Administrative Rules, Section Ed. 303.01(j), *Substantive Duties of School Boards; Sexual Harassment Policy*

NH Code of Administrative Rules, Section Ed. 306.04(a)(8), *Policy Development; Student Harassment*

NH Code of Administrative Rules, Section Ed. 306.04(a)(9), *Policy Development; Sexual Harassment*

RSA 354-A:7, *State Commission for Human Rights; Unlawful Discriminatory Practices*  
Policy GBAA-R, *SAU 50 Sexual Harassment and Sexual Violence Report Form*

Adopted 2000

