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5 Harassment of school employees because of sex, gender identity, sexual orientation, race, creed, color,
6 ancestry or national origin, marital status, familial status, physical or mental disability, religion, or genetic
7 information are prohibited. Such conduct is a violation of Board policy and may constitute illegal
8 discrimination under state and federal laws.

9 Any employee who engages in harassment or sexual harassment shall be subject to disciplinary action, up
10 to and including discharge.

11 **A. Harassment**

12 Harassment includes, but is not limited to, verbal abuse, threats, physical assault and/or battery based on
13 race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, genetic
14 information or disability.

15 **B. Sexual Harassment**

16 Sexual harassment is addressed under federal and state laws and regulations.

17 The scope and definitions of sexual harassment under these laws differ, as described below.

18 ***1. Title IX Sexual Harassment***

19 Under the federal Title IX regulations, sexual harassment includes the following conduct on the basis of
20 sex which takes place within the context of the school unit's education programs and activities:

- 21 a. "Quid pro quo" sexual harassment by a school employee: Conditioning a school aid, benefit or
22 service (such as a promotion or favorable evaluation) on an individual's participation in
23 unwelcome sexual conduct;
- 24 b. "Hostile environment" sexual harassment: Unwelcome conduct based on sex that a reasonable
25 person would determine is so severe, pervasive and objectively offensive that it effectively denies
26 an individual's equal access to the school unit's education programs and activities; or
- 27 c. Sexual assault, dating violence, domestic violence and stalking as these terms are defined in
28 federal laws.

29 ***2. Sexual Harassment under Title VII and New Hampshire Law***

30 Under another federal law, Title VII, and under New Hampshire law/regulations, sexual harassment is
31 defined differently. The New Hampshire Commission for Human Rights law states that "unwelcome sexual
32 advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature
33 constitutes sexual harassment when:

- 34 a. Submission to such conduct is made either explicitly or implicitly a term or condition of an
35 individual's employment;
- 36 b. Submission to or rejection of such conduct by an individual is used as the basis for employment
37 decisions affecting such individual; or (c) Such conduct has the purpose or effect of unreasonably

38 interfering with an individual's work performance or creating an intimidating, hostile, or offensive
39 working environment.”

40 **C. Reports and Complaints of Harassment or Sexual Harassment**

41 Any employee who believes they have been harassed or sexually harassed is encouraged to make a report
42 to the District’s Title IX Coordinator. The Title IX Coordinator is also available to answer questions and
43 provide assistance to any individual who is unsure whether harassment or sexual harassment has
44 occurred.

45 All reports and complaints regarding harassment or sexual harassment of employees shall be addressed
46 through the Employee & Third-Party Unlawful Discrimination/Harassment and Title IX Sexual Harassment
47 Complaint Procedures (ACAB-R).

48 **Legal References:**

- 49 • Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); 34 C.F.R. Part 106
- 50 • Clery Act (20 U.S.C. §1092(f)(6)(A)(v) - definition of sexual assault) Violence Against Women Act
51 (34 U.S.C. § 1092(f)(6)(A)(v) – definition of sexual assault; 34 U.S.C. § 12291(a)(10) – dating
52 violence; 34 U.S.C. §12291(a)(3) – definition of stalking; 34 U.S.C. §12291(a)(8) – definition of
53 domestic violence)
- 54 • Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
- 55 • Americans with Disabilities Act (42 U.S.C § 12101 et seq.), as amended
- 56 • Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
- 57 • Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et. seq.; 29 C.F.R. § 1604.11)
- 58 • Age Discrimination in Employment Act (29 U.S.C. § 623 et seq.)
- 59 • Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
- 60 • RSA 354-A:7
- 61 • NH Code Admin. R. Ed. 303.01(i) and (j)

62 **See Also:**

- 63 • ACAB-R Title IX Sexual Harassment Procedure
- 64 • AC - Nondiscrimination/Equal Opportunity and Affirmative Action
- 65 • ACAD - Hazing