

SEXUAL HARASSMENT

Acts of sexual harassment by employees or students of the Nashua School District or persons doing business with the District with whom a student or employee may interact in order to fulfill job or school responsibilities is a violation of Nashua School District policy and subjects the offending individual to sanctions and/or disciplinary measures including expulsion of students and termination of employment.

For purposes of this policy sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; or

Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating a hostile, intimidating or offensive environment.

Sexual harassment may include but is not limited to: sexual innuendo; verbal harassment, including epithets, derogatory comments or slurs; physical harassment, physical interference with movement or work, or visual harassment such as derogatory cartoons, drawings, posters or graffiti.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex. Sexual harassment is determined solely from the perspective of the recipient as determined by the standard of how a reasonable person of the same gender/position would interpret the incident.

Individuals shall not be retaliated against, reprimanded or discriminated against in any way for initiating an inquiry or complaint or testifying, assisting or participating in any manner in an investigation, proceeding or hearing conducted by an authorized investigative body. The rights of an individual against whom a complaint is brought will also be protected.

Some forms of sexual harassment are considered violations of criminal law and as such must be referred to legal authorities.

Employees are required and students shall be encouraged to immediately report any disclosure of a potential violation of this policy or any suspicion of a violation to the building principal and/or assistant superintendent and/or superintendent of schools.

All formal complaints may be processed in accordance with POPPS policies 3441 Student-Parent Discrimination Complaint Procedures For Titles VI & IX, 8410 Procedure for Conducting Impartial Due Process Hearings Under Section 504 of the Rehabilitation Act of 1973, and 8420 Grievance Procedure for Addressing Student/Parent and Employee Complaints Alleging Discrimination or Harassment on the Basis of Race, Color, National Origin, Religion, Sex, Disability, or Age which are non exclusive. Complainants are not required to exhaust administrative remedies in processing complaints. Nothing herein limits the authority of the District to take disciplinary action or otherwise address instances of sexual harassment consistent with its management rights and obligations.

This policy shall be considered in conjunction with POPPS policy 1215 Non-Discrimination.

Bd. Approved 3/30/87

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