

Burlington School District Policy

POLICY D 1R: PREVENTION OF HARASSMENT ON THE BASIS OF PROTECTED CHARACTERISTICS-EMPLOYEES AND OTHERS

(Former Policy ACAG)

It is the District's Policy that harassment of an employee or other person protected by the laws listed below, on the basis of any of the following characteristics of his or her race, national origin, color, creed, religion, age, sex *, disability, sexual orientation, gender identity, gender expression, ancestry, marital status, political affiliation or place of birth is a form of unlawful discrimination and is prohibited as provided for in Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.; The Age Discrimination Act of 1975, 29 U.S.C. § 623, et seq.; The Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.; and Fair Employment Practices, 21 V.S.A. Chpt. 5, subchpt. 6; Public Accommodations, 9 V.S.A. §§ 4500 et seq.; 1 V.S.A. §144, Gender Identity and 21 V.S.A. Chpt 22, Vermont Municipal Labor Relations Act, § 1726(a)(7) ; all as they may be amended from time to time.

Prohibited harassment includes verbal or physical conduct including, but not limited to, comments, slurs, jokes, innuendoes, cartoons, pranks, physical contact, etc., directed at a protected characteristic of the protected person where:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of the protected person's employment or education; or
- 2) Submission to or rejection of such conduct by a protected person is used as the basis for an employment or educational decision affecting such protected person; or
- 3) Such conduct unreasonably interferes with the protected person's work or educational performance or creates an intimidating, hostile, or offensive working or educational environment.

If you believe you may have been harassed in violation of this Policy, there are internal *Complaint Procedures -- Internal* available for your use to resolve this matter. A complaint may be initiated by contacting, the building principal or program director where appropriate or the Human Resources Director at the IRA Allen Administration Building, 150 Colchester Avenue, Burlington, VT 05401; (802)864-2150; 1(800)253-0191 - TDD.

The existence of the Complaint Procedures -- Internal do not affect the right of any individual or group to pursue any other procedure provided for by contract, or by state or federal law. See Complaint Procedures – Internal, for further information about State and federal options for filing a complaint.

Retaliation in any form against a person making a claim of harassment or participating in any procedures or investigation involving of a claim of harassment is prohibited and is unlawful pursuant to 9 U.S.A. §4503(a)(5). Prohibited retaliatory acts include but are not limited to, acts which affect status, or work assignments. Retaliation is a separate offense and is grounds for separate discipline.

* *See Sexual Harassment, D 8, for applicable Policy.

Filing a complaint of harassment based on information one does not believe to be true or knows to be false, also known as a “false complaints”, is serious misconduct and is prohibited. Anyone who files a false complaint will be considered to have engaged in serious misconduct and will be subject to penalties, including, but not limited to, discipline, suspension, expulsion, termination and or denial of access to school grounds and/or school functions.

Violation of this Policy will result in appropriate discipline, up to and including dismissal or expulsion if warranted.

This Policy does not interfere with the Administration’s ability to establish and enforce reasonable workplace policies to address matter related to employee’s gender identity, including the establishment of reasonable dress codes for the workplace. However, this shall not be used as a pretext to enact workplace policies that deny an individual the protections afforded under the 21 VSA 495.

This Policy is created to maintain the protection for employees and others that existed in the original ACAG, Harassment Based on Protected Characteristics, which applied to both employees and students. Due to a change in state law in 2004, JBAA was drafted to incorporate the new legislation applicable only to students and was limited to students at that time. This Policy is intended to continue the existing protections for employees and others and continues to be designated ACAG.

Cross References:

Sexual Harassment, D 8; Non-Discrimination on Basis of Race, Color and National Origin, ACAB; Non-Discrimination on the Basis of Handicap, ACAC; Equal Employment Opportunity, A 4; Non-Discrimination on the Basis of Sex, ACAE; Non-Discrimination in Vocational Education Programs, A 5, Harassment Based on Protected Characteristics- Students, F 2R ; and *Complaint Procedures – Internal*.

Legal References:

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.; The Age Discrimination Act of 1975, 29 U.S.C. § 623, et seq.; The Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.; and Fair Employment Practices, 21 V.S.A. Chpt. 5, subchpt. 6; Public Accommodations, 9 V.S.A. §§ 4500 et seq.; 1 V.S.A. §144, Gender Identity and 21 V.S.A. Chpt. 22, Vermont Municipal Labor Relations Act, § 1726(a)(7) ; all as they may be amended from time to time.

Policy reviews and updates:

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March 8, 2005	Second Reading & Adoption
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March 11, 2008	Second Reading Revised & Adoption
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February 11, 2014	Second Reading Revised & Adoption