

G-0200 @ GBA EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Gallup-McKinley County Schools to employ, retain, promote, terminate, and otherwise treat all employees and job applicants based on merit, qualifications and competence, regardless of sex, race, religion, sexual orientation, gender identity, national origin, pregnancy, maternity, veteran status, age, marital status, or disabling condition.

In establishing this policy, the Gallup-McKinley County Schools recognize the need to initiate and maintain measures to ensure the achievement of equal employment opportunities in all aspects of our workplace settings, conditions, and decisions. It will be the responsibility of all employees to abide by and carry out the letter, spirit, and intent of the Gallup-McKinley County Schools' equal employment commitment.

In compliance with State and Federal Laws, employees of the Gallup-McKinley County School District are prohibited from refusing to hire, train, or provide equitable employment conditions to an employee or applicant, and from taking any adverse action against an employee based on sex, race, religion, sexual orientation, gender identity, national origin, pregnancy, maternity, veteran status, age, marital status, or disabling condition as defined in the Personnel Handbook (Policy for Prohibition of Harassment, Discrimination or Violence).

Policy for Prohibition of Harassment, Discrimination, or Violence Based on Race, Religion, Sex, Sexual Orientation, Gender Identity, Disability, Age, National Origin, Maternity, or Veteran Status

Introduction: It is the policy of Gallup-McKinley County Schools (“the District”) to maintain a learning and working environment that is free from racial, religious, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age harassment, discrimination, or violence. Therefore, the District prohibits any form of racial, religious, sex, disability, or age harassment, discrimination, or violence.

It shall be a violation of this policy for any student, teacher, administrator or other school personnel of the district to harass, discriminate, inflict, threaten to inflict, or attempt to inflict violence against a student, teacher, administrator, or other school personnel through conduct or communication regarding race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age as defined by this policy.

For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.

The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination, or violence concerning race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel who is found to have violated this policy.

The effective education of students requires a school environment in which students feel safe and secure. Harassment, discrimination, or violence toward students, teachers, administrators, and other school personnel on the basis of race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age whether by other students or employees impairs the proper atmosphere for education, and creates an inequitable climate for learning.

The Board of Education therefore forbids harassment, discrimination, and violence against any student or employee on the basis of race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age and will not tolerate such behavior if it occurs student to student, student to employee, employee to student, or employee to employee.

These policies apply to behavior that occurs while on school property, in a school bus/vehicle, or at a school activity, bus stop, athletic or school event.

In addition to its negative effect upon education, such harassment, discrimination, and violence negatively affects the character of young people, both the perpetrators and the victims of harassment. This is particularly so in view of the special vulnerability of students at different stages of their personal development. It is clear that such harassment, discrimination and violence, whether verbal or by other conduct, can create stress and distraction, and upsetting feelings of fear, inferiority, or anger which are detrimental to the education of young people. Toleration of such actions is inappropriate behavior in school because it is inappropriate behavior in society.

Definitions:

- **Protected Characteristics:** The areas of race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status and age against which the policy of the Board of Education forbids harassment, discrimination, or violence will be referred to as “protected characteristics.”
- **Day** shall be defined as a working day when the district/school offices are open for business and in the case of a report made by employees, “Day” shall be defined as when both accused and claimant are on contract, unless both

parties agree to proceed with the investigation while off contract.

- **Harassment:** Verbal or physical conduct that:
 - degrades or shows hostility or aversion toward an individual on the basis of his or her actual or perceived race, religion, sex, sexual orientation, gender identity, disability, national origin, maternity, veteran status, or age; and
 - that has the purpose or effect of creating an intimidating, hostile, or offensive school or work environment; and/or
 - unreasonably interferes with a student's ability to benefit from his or her education or any employee's ability to perform job duties.

Examples of Harassment:

Name-calling - the chronic, habitual, or recurring use of names or comments to or about a person regarding the person's actual or perceived physical or personal characteristics when the person has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments, by their nature, are clearly unwelcome, inappropriate, or offensive.

Graffiti - Graffiti includes, but is not limited to, signs, symbols, pictures, written messages that intend to, or reasonably have the effect of, insulting or embarrassing another.

Bullying - Intimidating verbal or physical conduct toward another student when such conduct is habitual or recurring.

- **Sexual Orientation** -Sexual orientation means heterosexuality, homosexuality or bisexuality, whether actual or perceived.
- **Gender Identity** - Gender identity means a person's self-perception, or perception of that person by another, the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth.
- **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:
 - submission to that conduct or communication is made term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - 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
- 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.
- **Sexual harassment** may include but is not limited to:
 - unwelcome verbal harassment or abuse;
 - unwelcome pressure for sexual activity;
 - unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of student(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property.
 - unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status; or
 - unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or education status; or
 - unwelcome behavior or words directed at an individual because of gender.

Racial, Religious, Definition of National Origin, Maternity, Veteran Status, and Disability, National Origin, Maternity, Veteran Status, Age, Disability, Sexual Orientation and Gender Identity Harassment - Consists of physical or verbal conduct which is related to an individual's race when the conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; and
- otherwise adversely affects an individual's employment or educational opportunities.

Definition of Sexual, Racial, Religious, Gender Identity, Sexual orientation, Age, National Origin, Maternity, Veteran Status and Disability Violence

- **Sexual Violence** is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in New Mexico Statutes include the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
 - Sexual violence may include, but is not limited to:
 - Touching, patting, grabbing or pinching another person's

intimate parts, whether that person is of the same sex or the opposite sex; or

- Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; or
- Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
- Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

Racial, Religious, National Origin, Maternity, Veteran Status, Age and Disability, and Sexual Orientation and Gender Identity Violence - Are

physical acts of aggression or assault upon another because of, or in a manner reasonably related to, race, religion, national origin, maternity, veteran status, age and disability, and sexual orientation and gender identity.

Assault - Assault is an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of or attempt to inflict bodily harm upon another; or the threat to do bodily harm to another with present ability to carry out the threat.

Adopted: June 05, 2006

LEGAL REF.: 20 U.S.C. 1703, Equal Employment Opportunity Act of 1972

28-1-2 NMSA *et seq.*

CROSS REF.: AC - Nondiscrimination

ACA - Sexual Harassment

IHBA - Special Instructional Programs and Accommodations for Disabled Students

JB - Equal Educational Opportunities

KED - Public Concerns/Complaints about Facilities or Services