Adult Sexual Harassment Policy

Policy Information

Series A - Foundations and Commitments

Sexual Harassment
Policy # ACAB

FILE: ACAB

ADULT SEXUAL HARASSMENT POLICY OF THE BOURNE PUBLIC SCHOOLS

1. Policy

It is the policy of the Bourne Public Schools to promote a workplace and learning environment that is free of sexual harassment. Sexual harassment of employees, visitors and/or contractors occurring in the workplace, classroom or in other settings in which employees, visitors and/or contractors may find themselves in connection with their employment and/or learning is unlawful and will not be tolerated by this District. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. If any form of retaliation occurs, it could be considered grounds for dismissal of staff and contractual personnel. Additionally, referral to law enforcement may be made if warranted by the facts.

The conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees. Because the Bourne Public Schools takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or participation in school activities or programs; or
B. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of

creating a workplace and/or learning environment that is hostile, offensive, intimidating, or humiliating to male or female employees, visitors and/or contractors may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances -- whether they involve physical touching or not;
2. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
3. Displaying sexually suggestive objects, pictures, cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and,
6. Discussion of one's sexual activities.

Retaliation in any form against any person who has made or filed a complaint relating to sexual harassment is forbidden.

III. Complaints of Sexual Harassment

Any employees, visitors and/or contractors who believe they have been subjected to harassment have the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of and/or all information received. This may be done in writing or orally.

Any employees, visitors and/or contractors who wish to file a complaint may do so by contacting the principal of the building in which he/she works or attends classes and/or by contacting the Civil Rights Officer, 36 Sandwich Road, Bourne, MA 02532; Phone: 508-759-0660 Phone; Fax:508-759-1107. The principal of the building in which one works is also available to discuss any concerns and to provide information about this policy on sexual harassment and the complaint process.

Any school employee, visitor or contractor who has information that would lead a reasonable person to suspect that a person covered by this policy is a target of sexual harassment and/or retaliation, shall immediately report it to a building administrator who shall immediately report it to the Civil Rights Officer; each school shall document any prohibited incident as soon as it is reported.

A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of good faith report of sexual harassment and/or the district's subsequent actions or inaction in connection thereto.

If an instance of staff member to student sexual harassment and/or student to staff member sexual harassment is reported to any employee or contractor, the employee or contractor shall inform both the building principal and the Civil Rights Officer immediately. In a situation involving a charge of

student to staff member sexual harassment the staff member shall notify the building principal or the Civil Rights Officer.

Any complaints of sexual harassment of students must be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JHA.

It is the responsibility of every employee, visitor, contractor and parent to recognize acts of sexual harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented. Visitors and contractors are strongly encouraged to report sexual harassment according to the procedures set forth above.

IV. Sexual Harassment Investigation

When a complaint of sexual harassment is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be directed by the Civil Rights Officer, who may delegate the interviewing of witnesses and/or the gathering of facts from other sources to building principal(s) and/or counsel. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. When the investigation is completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the district will act promptly to eliminate the offending conduct, and where appropriate, will also impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one or more employees, students and/or contractors, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or expulsion from school, and/or such other forms of disciplinary action as is deemed appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, any person who believes he/she has been subjected to sexual harassment may file a formal complaint with either or both of the government agencies set forth below. Using the district's complaint process does not prohibit filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days; OCR – within 180 calendar days after the harassment occurred.).

1. The United States Equal Employment Opportunity Commission ("EEOC")

Location: John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196

2. The Massachusetts Commission Against Discrimination ("MCAD")

One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196

Policy References:
LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
45 Federal Regulation 74676 issued by EEO Commission
Education Amendments of 1972,20 U.S.C. 1681 et seq. (Title IX)
Board of Education 603 CMR 26:00

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