

## GBAA GENERAL PERSONNEL POLICIES

The Minuteman Regional Vocational Technical School Committee has established and adopted several policies which apply to all School staff and which form the foundation of the relationship of all personnel in the School. The policies which follow relate to and restate the most fundamental rights and responsibilities to which all staff must adhere in their relations with each other.

**LEGAL REF:** M.G.L. c. 71:37

### EQUAL OPPORTUNITY EMPLOYMENT

The Minuteman Regional Vocational Technical School Committee subscribes fully and unconditionally to the principle that the dignity of all people and of their labors is of utmost importance. It will take all action necessary or appropriate to ensure that all persons are employed, paid, assigned, promoted, and treated at all times without regard to their race, creed, religion, color, age, sex, ancestry, handicap, sexual preference or national origin. Every effort will be taken to assure that all applicants for positions in the School are selected on the basis of their qualifications, merit and ability.

**LEGAL REF:** Fourteenth Amendment to United States Constitution  
Civil Rights Acts of 1964, as amended in 1972, Title VI, Title VII, 42 U.S.C.A.  
Executive Order 11246, 1965, as amended by Executive Order 11375  
Equal Employment Opportunity Act of 1972, Title VII  
Education Amendments of 1972, Title IX, (P.L. 92-318), 20 U.S.C.A. 1681 et seq.  
45 CFR, Parts 81, 86 (Federal Register, June 4, 1975, August 11, 1975)  
Rehabilitation Act of 1973, Section 504  
Civil Rights Act of 1991, P.L. 102-166  
M.G.L. c. 151B, c. 214:1C, c. 151C

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Age Discrimination in Employment Act of 1967, 29 U.S.C.A. 661-634

Americans with Disabilities Act of 1990, 42 U.S.C.A. 12101 et seq.

Equal Pay Act, 29 U.S.C.A. 206(d)

Collective Bargaining Agreements with Staff

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**LEGAL REF:** M.G.L. Chapter 71 §37

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**LEGAL REF:** Fourteenth Amendment to United States Constitution  
Title VI and Title VII of the Civil Rights Acts of 1964, as amended  
Executive Order 11246, as amended by Executive Orders 11375 and 13672  
Equal Employment Opportunity Act of 1972

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Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973  
Civil Rights Act of 1991, P.L. 102-166  
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§621-634  
Individuals with Disabilities Education Act (IDEA)  
Equal Pay Act of 1963, as amended  
45 CFR Part 86: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance  
M.G.L. Chapter 151B, Chapter 214 §1C, and Chapter 151C  
Collective Bargaining Agreements with Minuteman Staff

## SEXUAL HARASSMENT

Students are protected from sexual harassment by federal law, specifically Title IX of the Education Amendments of 1972. Courts have found sexual harassment to be a form of sex discrimination. Sexual harassment includes harassment based on sex, sexual orientation or gender identity. School employees are also protected from sexual harassment by federal law, Title VII of the Civil Rights Act of 1964.

It is the policy of the Minuteman Regional Vocational Technical School District to maintain an instructional and working environment that is free from sexual harassment of any kind. For the purposes of this policy, “instructional and working environment” includes, without limitation, school-sponsored social events, trips, and sports events, work-related travel, and similar events connected with school or employment.

The Minuteman Regional Vocational Technical School District Public Schools strictly enforces a prohibition against sexual harassment of any of its students or employees by anyone, including any fellow student, teacher, supervisor, co-worker, vendor, or other third party, as such conduct is contrary to the mission of the Minuteman Regional Vocational Technical School District and its commitment to equal opportunity in education and employment. Sexual harassment of students and/or employees interferes with learning and will not be tolerated. It is a violation of this policy for any board member, employee, parent, student, vendor, or other individual doing business with the

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District to harass another employee or student through conduct or communication of a sexual nature.

The Minuteman Regional Vocational Technical School District will make it clear to all employees, students, and vendors that sexual harassment is prohibited. Sexual harassment will be specifically addressed during in-service programs. The District shall inform all employees and students of their rights and responsibilities under this policy.

While this policy sets forth our goals of promoting a school environment that is free from discrimination and harassment, this policy is not designed or intended to limit the District's authority to discipline and/or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct falls within the ambit of this policy.

### **Definition of Sexual Harassment:**

Sexual harassment shall include conduct or communications of a sexual nature including, but not be limited to, unwelcome sexual advances, unwelcome comments regarding physical or personality characteristics of a sexual nature, requests for sexual favors, and other verbal or physical conduct of a sexual nature made by any employee to a student, when made by any individual subject to this policy when:

- a) Submission to the conduct or communication is made a term or condition of employment or education;
- b) Submission to, or rejection of, the conduct or communication is a basis for decisions affecting education, employment, or assignment;
- c) The conduct or communication has the purpose or effect of substantially interfering with an individual's professional or educational performance;
- d) The conduct or communication has the effect of creating an intimidating, hostile, humiliating, or offensive working or educational environment; and/or
- e) The allegedly harassed person has indicated by his/her conduct or verbal objection that the conduct or communication is unwelcome.

Prohibited behavior includes, without limitation, and depending on the totality of the circumstances including the severity of the conduct or communication and its pervasiveness:

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- Verbal harassment or abuse of a sexual nature.
- Repeated remarks with sexual or demeaning implications.
- Unwelcome touching, leering, or whistling of a sexual nature.
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.
- Unwelcome inquiries into and/or discussion of one's sexual experiences.
- Telling sexually suggestive jokes, making demeaning gestures, or displaying sexually suggestive photographs, objects, cartoons, and/or other materials in the presence of one who finds them offensive and has communicated that fact to the individual telling the jokes or displaying the materials.

### **Reporting Sexual Harassment:**

Minuteman Regional Vocational Technical School District takes allegations of sexual harassment seriously. The District will respond promptly to reports of sexual harassment. Where it is determined that inappropriate conduct has occurred, the District will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Students and employees who believe they have experienced or witnessed sexual harassment should notify the District's Civil Rights/Title IX Coordinator for investigation. Minuteman employees who witness sexual harassment or have a reasonable belief that it is occurring are required to report it immediately to the school's Civil Rights/Title IX Coordinator for investigation. The Coordinator's work address is 758 Marrett Road, Lexington, MA 02421. The Coordinator's telephone number is 781-861-6500 x7301.

### **Investigation:**

All complaints shall be processed in a fair, expeditious and confidential manner. The Civil Rights/Title IX Coordinator has authority to investigate all complaints. Complaints should be made promptly, within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

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A student who believes that he/she is the victim of sexual harassment may report the matter to a teacher, counselor, or administrator. Any employee receiving a report of sexual harassment must immediately notify the Assistant Principal, who will in turn notify the Civil Rights/Title IX Coordinator. As an alternative, any student or employee may report directly to the Assistant Principal or the Coordinator. If the complaint concerns allegations against the Coordinator, then the complaint should be brought to the Superintendent. Employees are expected to take every report of sexual harassment seriously and to understand the reporting procedures.

All complaints will be thoroughly investigated by the Coordinator, the Superintendent, and/or the Coordinator's or Superintendent's designee. Both the complainant and the subject of the complaint will be interviewed and given a full opportunity to state their case through the presentation of witnesses and other evidence. Witnesses and other persons relevant to the complaint, if any, may also be interviewed. A record will be kept of each investigation.

When handling an investigation with the accused harasser:

- a) there will be a third-party faculty member present at discussions with the accused (preferably a supportive faculty member of the same sex as the accuser); and
- b) the investigating group will be as small as possible to protect the privacy of both parties.

Both the complainant and the subject of the complaint will be informed of the result of the investigation, in writing, in a manner consistent with federal and state law.

### **Disciplinary Action:**

If a complaint is substantiated, the Coordinator will act promptly to eliminate the behavior and will refer the matter to the proper supervisor or administrator for appropriate responsive measures, including but not limited to disciplinary action. For students, discipline will be imposed consistent with the student code of conduct and state laws and regulations. Discipline of school staff will be consistent with collective bargaining procedures, if applicable, and may include reprimand, suspension from employment, or discharge. Responsive measures will also include any steps necessary to prevent the recurrence of any discrimination and/or harassment, and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate.

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### **Retaliation Prohibited:**

Retaliation in any form against any person because of or related to a sexual harassment or retaliation complaint, or because of or related to cooperation with an investigation of a sexual harassment or retaliation complaint, is unlawful and prohibited. If it occurs, it could be considered grounds discipline, up to and including suspension and/or discharge for employee(s), and suspension and/or expulsion from the school for student(s).

### **Confidentiality:**

Reports of sexual harassment should be kept completely confidential, involving as few people as possible, with the primary goal of stopping any unacceptable behavior while protecting the rights of both parties.

Any student who has been a victim of sexual harassment at Minuteman will have the opportunity to speak with the School Social Worker or School Psychologist. This can be arranged by his/her Guidance Counselor or the Civil Rights/Title IX Coordinator. Such referrals will be kept confidential.

### **Additional Reporting:**

In certain cases, harassment, especially sexual harassment, of a student may constitute child abuse under Massachusetts law. The District will comply with all legal requirements governing the reporting of suspected cases of child abuse. The District will also report instances of sexual harassment that may involve a crime to law enforcement authorities in a manner consistent with applicable law.

In addition to the above, if an employee believes he/she has been subjected to sexual harassment, a formal complaint may be filed with either or both of the government agencies set forth below. Using the Minuteman Regional Vocational Technical School District's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 300 days).

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1. **The United States Equal Employment Opportunity Commission ("EEOC")**  
John F. Kennedy Federal Building  
Government Center  
4<sup>th</sup> Floor, Room 475  
Boston, MA 02203  
(617) 565-3200  
TTY: (617) 565-3204
  
2. **The Massachusetts Commission Against Discrimination ("MCAD")**  
**Boston Office:**  
One Ashburton Place - Room 601  
Boston, MA 02108  
(617) 727-3990  
  
**Springfield Office:**  
436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145  
TTY: (617) 994-6196
  
3. **The U.S. Department of Education, Office for Civil Rights**  
5 Post Office Square, 8th Floor  
Boston, MA 02109-3921  
(617) 281-0111
  
4. **Massachusetts Department of Education**  
75 Pleasant Street  
Malden, MA 02148  
(781) 388-3300

**CROSS REFS:** AC  
ACA

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JBA  
Minuteman Student/Parent Handbook

**LEGAL REFS:**

Title VI and VII of the Civil Rights Act of 1964, as amended  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et  
seq.  
603 CMR 26:00: Access to Equal Educational Opportunity

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