

MIDDLEBOROUGH PUBLIC SCHOOLS
Middleborough, Massachusetts

SEXUAL HARASSMENT POLICY

POSITION:

The School Committee takes the position that all employees and students in the Middleborough Public Schools have the right to work and learn in an environment free from sexual harassment.

The School Committee will take seriously all complaints of sexual harassment and will investigate through its designated Sexual Harassment contact Persons (Investigators) each and every complaint thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

DEFINITION:

Sexual harassment is defined by the School Committee as unwelcome sexual advances and/or requests for sexual favors, unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender, sexual advances and/or request for sexual favors. In addition, other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or maintain employment; or
2. submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment; or
3. such conduct or communications has the purpose or effect of substantially interfering with an individual's employment or performance, or creating an intimidating, hostile or offensive environment.

Implicit in the above definition is that sexual innuendoes, jokes, comments, pictures, displays of sexually suggestive materials, or questions are included in the prohibited conduct.

Also implicit in the definition is that the policy applies equally between the sexes.

SCOPE OF POLICY:

This policy extends to all persons employed by the Middleborough Public Schools.

This policy extends to all students in the Middleborough Public Schools.

This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools.

SEXUAL HARASSMENT WITHIN THE SCHOOL ENVIRONMENT

A. General Considerations

The Middleborough Public Schools expects that each and every employee and/or student respect the rights of co-workers and/or fellow students in a comfortable and harassment-free school environment. To work toward this level of mutual respect and understanding, an employee/student should let another employer/student know when that person's behavior or activity is considered offensive and/or leads to

uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently.

B. Explanation of Sexual Harassment

In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. These generally constitute two (2) forms of behavior which have been recognized as sexual harassment and which have been defined as follows:

1. There is the “quid pro quo” form of sexual harassment which occurs when the harassment is used by the harasser as the basis for employment decisions affecting the victim.

- a) Demanding sexual favors accompanied by overt threats concerning one’s job security, performance, evaluation and assignments.
- b) Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim’s personal or work conduct, etc.) as a result of an individual’s refusing to engage in social/sexual behavior.

2. The other form of sexual harassment is created in the working and/or school environment when an employer’s or student’s actions are thought to be hostile, intimidating, abusive or offensive.

Some examples of this form of sexual harassment include the following:

- a) Verbal harassment or abuse of a sexual nature;
- b) Making negative or offensive comments, jokes, innuendoes, or suggestions about another person’s gender or sexuality;
- c) Using slang terms, names or labels that others find offensive;
- d) Offensive and unwelcome touching of any kind;
- e) Displaying sexually suggestive pictures, objects, cartoon, posters or other pornographic materials;
- f) Continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities;
- g) Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

PROCEDURES

If an employee and/or student believe that he/she has been sexually harassed, or that he/she has witnessed such harassment, he/she shall report it, preferably in writing, immediately to his/her supervisor, to his/her teacher, to his/her Principal, to the Superintendent or to the Sexual Harassment Investigator: Carolyn J. Lyons, J.D., Director Pupil Personnel Services (508-946-2013). It shall be the responsibility of the supervisor, teacher, Principal, or Superintendent to report the incident(s) to a Sexual Harassment Investigator.

Informal Procedures

Upon notification of a sexual harassment complaint or incident, the sexual harassment investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can negotiate an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

- A. the complainant writing a letter to the offender.
- B. investigator can talk to the offender on the complainant's behalf.
- C. the offender and victim might participate in mediation, in which a third party (i.e. Sexual Harassment Investigator) helps them negotiate an agreement.

Formal Procedures

When informal procedures are not appropriate to resolving sexual harassment disputes, the sexual harassment investigator shall immediately begin the investigation.

The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.

The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant shall/will not be tolerated.

If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.

In all cases involving sexual harassment, all parties involved will be given the utmost protection of privacy.

Within seven (7) workdays the Sexual Harassment Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.

After the investigation is completed, the Sexual Harassment Officer shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that sexual harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.

If the investigator does not substantiate the complaint of sexual harassment, then nothing is placed in the harasser's personnel file

NOTE: Recrimination/reprisal against complainant and/or witnesses after a "finding" or "non" finding will not be tolerated. Both parties shall be provided with a copy of the investigator's report.

If either complainant or the alleged harasser is dissatisfied with the results of the investigation of the harassment charge, he/she may discuss his/her dissatisfaction directly with the investigator. If still dissatisfied, he/she may turn to the grievance procedure set forth in the applicable collective bargaining agreement.

In addition, students and employees should be aware that they may have further recourse under the law governing sexual harassment.

Students should refer to procedures outlined in student handbook to report incidents of sexual harassment.

The Middleborough Public Schools is committed to the elimination and prevention of sexual harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of sexual harassment. Initial training will include:

- a. definition of sexual harassment;
- b. explanation of the district policy and policy procedures;
- c. legal prohibitions and consequences of sexual harassment;
- d. pertinent examples of sexual harassment and
- e. overview of sexual harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

An important aspect of the Sexual Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

Identification of appropriate state and federal employment discrimination enforcement agencies and directions as to how to contact such agencies.

- Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491.
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362

Sexual Harassment Investigator

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Approved by Middleborough School Committee on November 21, 1996.