SEXUAL HARASSMENT TITLE IX POLICY

The Webster School Committee and Webster Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Webster Public Schools.

DEFINITION OF SEXUAL HARASSMENT UNDER TITLE IX: Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

(l) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8) or "stalking" as defined in 34 U.S.C.12291 (a)(30)

Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 1 19. Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families.

For the category of sexual violence, in addition to Section 51 A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above.

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

- Unwelcome sexual advances-whether they involve physical touching or not;

- 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;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- ' Discussion of one's sexual activities.

The District takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Please note that while this policy sets forth our goals of promoting an environment that is free from sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Retaliation against a complainant, because they have filed a sexual harassment complaint or assisted or participated in a sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

RESPONSE TO SEXUAL HARASSMENT COMPLAINTS

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted whether or not

the complainant files a formal complaint. Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

Sexual Harassment complaints will be responded to in accordance with ACAB-R: Grievance Procedure for Complaints of Sexual Harassment under Title IX of the Education Amendments of 1972.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

In some instances, the conduct may not meet the definition of sexual harassment under Title IX but may meet the definition of harassment under state law. In these instances, the complaint will be addressed through the District's Civil Rights Policy (AC) and accompanying Civil Rights Grievance Procedures (AC-R).

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Webster School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Mrs. Shari Haire, 508-943-0104, extension 40029, District's Title IX Coordinator

Superintendent Pierangeli, 508-943-0104, extension 40017 - complaints

Please note that the following entities have specified time limits for filing a claim,

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination,
  1 Ashburton Place, Room 601
  Boston, MA 02108.
  Phone: 617-994-6000

- Office for Civil Rights (U.S. Department of Education)
  5 Post Office Square, 8th Floor
  Boston, MA 02109
  Phone: 617-289-0111

- The United States Equal Employment Opportunity Commission,
  John F. Kennedy Bldg 475
  Government Center
  Boston, MA 02203.

LEGAL REF.:

Title IX of the Education Amendments of 1972

BESE 603 CMR 26:OO

34 CFR 106.44(a), (a)-(b)

34 CFR 106.45 (a)(b)(1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC December 2021 as amended January 2025

First Reading: March 25, 2025

Second Reading: April 8, 2025

Third and Final Reading: May 13, 2025