

POLICY RELATING TO PERSONNEL MANAGEMENT

SEXUAL HARASSMENT

The Wachusett Regional School District shall provide an educational and work environment free of sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment as defined by this policy and law.

It will be a violation of this policy for any employee, school volunteer or adult connected with the school district to harass a student or employee through conduct or communication of a sexual nature as defined by this policy.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or communication of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or either explicitly or implicitly is made a term or condition of the provision of educational benefits, privileges, or placement services, or is used as a basis for evaluation of academic achievement
2. 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
3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, work performance or education, by creating an intimidating, hostile, humiliating, or sexually offensive employment or education environment

Sexual harassment may include, but is not limited to:

1. Sexually oriented verbal harassment or abuse
2. Subtle pressure for sexual activity
3. Inappropriate patting or pinching or other physical contact
4. Intentional brushing against a student's or employee's body

POLICY RELATING TO PERSONNEL MANAGEMENT

SEXUAL HARASSMENT (continued)

5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status
7. Any sexually motivated touching
8. Displaying sexually suggestive pictures, objects, cartoons, posters, or other pornographic materials
9. Sexual remarks or jokes

Any employee who believes he or she has been the victim of sexual harassment should report the alleged sexual harassment under this policy and procedure as soon as possible. Complaints should be submitted in accordance with the following:

1. The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal will conduct an investigation into facts surrounding the alleged incident and attempt to resolve the incident. If the principal is unable to reach a resolution with the parties involved, then a written report will be forwarded to the Superintendent.

In the event that an allegation of sexual harassment involves the Superintendent, the complaint must be filed with the Chairman of the School Committee, and the investigation will be conducted under the direction of the School Committee.

In the event that an allegation of sexual harassment involves a principal, the complaints must be filed with the Superintendent, and the investigation will be conducted under the Superintendent's direction. Upon receipt of a report or complaint alleging sexual

POLICY RELATING TO PERSONNEL MANAGEMENT

SEXUAL HARASSMENT (continued)

harassment, the Superintendent or School Committee Chairman, as applicable, will immediately authorize an investigation. This investigation may be conducted by a designated school district official or by an outside party designated by the Superintendent or School Committee, as applicable. The investigating party will provide a written report of the results of the investigation to the official authorizing the investigation. The Chairman of the School Committee will convey any such report received by him or her to the School Committee.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents determined by the investigator to be relevant.

2. Submission of a complaint or report of sexual harassment by an employee will not affect his or her future employment or work assignments. However, submission of a complaint or report which is known by the employee submitting it to be false may result in disciplinary action.
3. The school district will respect the confidentiality of complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of discrimination and sexual harassment and take disciplinary action when the conduct has occurred.

In addition, immediate steps may be taken to protect the complainant, students, employees, or others pending completion of in investigation of alleged sexual harassment.

4. Any action taken in accordance with this policy will be consistent with the requirements of applicable collective bargained agreements, Massachusetts statutes and School Committee Policies.

P5235D

POLICY RELATING TO PERSONNEL MANAGEMENT

SEXUAL HARASSMENT (continued)

5. If the investigation does not confirm the allegation of sexual harassment, the complaint will be dismissed. Upon receipt of a finding that a complaint is valid, the principal, Superintendent, or School Committee, as applicable, will take such action as is determined to be appropriate based on the results of the investigation and all the circumstances. A substantiated charge against a staff member, school volunteer or other adult connected with the school district will subject that person to disciplinary action, where possible, including but not limited to warning, suspension, and/or termination and to other appropriate action when discipline is not possible.

6. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant and the subject of the complaint. The report will state whether any disciplinary action has been taken as a result of the complaint, but will not describe any such disciplinary action.

Any individual who retaliates against any person because he or she alleged sexual harassment or testified, assisted, or participated in an investigation proceeding or hearing related to a sexual harassment complaint will be subject to disciplinary action. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

The School Committee recognizes that not every advance or conduct of a sexual nature between students or between employees consists of harassment. Whether a particular action or incident is a personal, social relationship without an unlawful effect requires a determination based on all the facts and surrounding circumstances.

School district employees are expected to maintain the highest standards of conduct with regard to students however. Nothing in this policy will be deemed to sanction any conduct, verbal or physical, of a sexual nature, directed by an employee or other adult connected with the school district toward a student. No employee may engage in verbal or physical sexual conduct toward a student at any time.

P5235E

SEXUAL HARASSMENT (continued)

In addition, every employee is required to report any incident of sexual harassment of a student by another employee, school volunteer, or other adult connected with the school district of which the employee has knowledge. An employee who receives a complaint from a student that the student has been sexually harassed is also required to report that complaint as provided in the School Committee's Sexual Harassment Policy and Procedures for Students. Failure to make any such report will subject the employee to disciplinary action.

First Reading: 09/12/94

Second Reading: 09/26/94

WRSDC Policy 5235