

**SCHOOL COMMITTEE POLICY**

Policy #36

**SEXUAL HARASSMENT POLICY**

**I. Introduction**

It is the goal of Medway Public Schools to promote an educational environment and workplace that is free of sexual harassment. Sexual harassment of students or employees by anyone, including a fellow student, teacher, coach, supervisor, co-worker, vendor, or other third party is unlawful and will not be tolerated. 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. To achieve its goal of providing an environment free from sexual harassment, the conduct that is described in this policy will not be tolerated, and Medway Public Schools has provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because Medway Public Schools takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, Medway Public Schools will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth Medway Public Schools' goals of promoting an educational environment and workplace that is free of sexual harassment, the policy is not designed or intended to limit its authority to discipline or take remedial action for conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**II. Definition of Sexual Harassment**

"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature between students, adults, and/or students and adults when:

- A. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment, academic standing, athletic standing, school related opportunities, or as a basis for employment decisions; or
- B. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive school or work environment.

Under the definition stated above, direct or implied requests by a teacher, supervisor, or any individual in a position of school authority or work for sexual favors in exchange for actual or promised job benefits such as favorable review, salary increases, promotions, increased benefits, or continued employment, better grades, athletic favors, recommendations or other advantages, constitutes sexual harassment.

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 an educational environment or a workplace environment that is hostile, offensive, intimidating or humiliating to male or female students or workers 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, if unwelcome, may constitute sexual harassment depending upon 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; and
- Discussion of one's sexual activities or inquiries into others' sexual experiences.

All individuals should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

### **III. Complaints of Sexual Harassment**

If any of Medway Public Schools students or employees believes, in good faith, that he or she has been subjected to sexual harassment, as described above, the student or employee has the right to file a complaint with the School Department. This may be done in writing or orally.

If any student or employee would like to file a complaint, he or she may do so by contacting any Building Principal, Assistant Principal or the Superintendent of Schools. Please see Attachment A of this document for a list of names and phone numbers.

These people are also available to discuss any concerns a student or employee may have and to provide information to students and employees about Medway Public Schools' policy on sexual harassment and its complaint process.

### **IV. Sexual Harassment Investigation**

When the Medway Public Schools receives a complaint of sexual harassment, it will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent consistent with a fair and full investigation and practicable under the circumstances. The investigation will include private interviews with the person filing the complaint and with witnesses or other individuals who the Medway Public Schools believes would be useful to the investigation. Medway Public Schools will also interview the person alleged to have committed sexual harassment. When Medway Public Schools has completed its investigation, it will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

The District may impose interim measures to protect the parties pending the conclusion of the investigation.

In cases that involve students either filing a complaint or who allegedly commits the inappropriate action, parents/guardians will be informed and included in the procedures for resolution.

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

## **V. Procedures for Resolution**

- A. Before initiating the formal procedure, the student or employee should, if possible, resolve any complaint regarding an alleged discriminatory practice on an informal basis.
1. The student can raise the issue to his or her teacher, assistant principal, principal or the Director of Student Services.
  2. The employee can raise the issue to either his or her supervisor, or to the Superintendent of Schools.

The appropriate school administrators or department shall attempt, within his/her or its authority, to work with the individual to resolve the complaint fairly and expeditiously within ten (10) school or working days of receiving the complaint.

Whichever option is chosen, attempts will be made to resolve the matter to the satisfaction of the student or employee who has made the complaint. If the student or employee is not satisfied with the resolution, or if the student or employee does not choose informal resolution, then the student or employee can begin the formal complaint process.

- B. Both students and employees may direct the complaint to the administrator or supervisor who has immediate jurisdiction over the school involved. Students and employees are expected to direct the complaint no later than twenty (20) calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. The student or employee shall submit the complaint in writing and will state the name of the individual and the location of the school/department where the alleged harassment practice occurred, the basis for the complaint and the corrective action the student or employee is seeking.

If the complaint involves an administrator or supervisor, it shall be addressed to the Director of Student Services.

After filing the formal written complaint, the appropriate administrator, supervisor, or director will conduct the necessary investigation promptly after receiving the complaint. In the course of the investigation, the appropriate administrator, supervisor, or director shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant and the person against whom the complaint was filed and/or the principal or appropriate authority involved.

Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. For example, sometimes the students or employees that are involved in the complaint are not immediately available. The appropriate administrator, supervisor, or director, however, will make sure that the complaint is handled as quickly as is feasible and will strive to complete the investigation within thirty (30) school or working days. When more than thirty (30) school or working days is required for the investigation, the administrator, supervisor, or director shall inform the student or employee who filed the complaint that the investigation is still on-going.

After completing the formal investigation of the complaint, the administrator, supervisor, or director shall request a meeting with the person against whom the complaint was filed to discuss the findings and, at the same time, to give the person against whom the complaint was filed an opportunity to respond to the findings, and to seek to resolve the complaint. When feasible and appropriate, the administrator, supervisor, or director will make every attempt to resolve the issue within the time parameters of this initial meeting; however, more than one meeting may be necessary. The administrator, supervisor, or director will strive to complete both the investigation and the resolution of the complaint within thirty (30) school or working days. When more than thirty (30) school or working days is required for the investigation and resolution process, the administrator, supervisor, or director shall inform the student or employee who filed the complaint and the individual against whom the complaint was filed that additional time is needed for the resolution process.

If the administrator, supervisor, or director finds that there is reasonable cause for believing that a harassing practice has occurred, he/she will refer the matter to the Superintendent of Schools for the Medway Public Schools

for appropriate action, up to and including expulsion for students or termination for employees.

If no satisfactory resolution can be reached through either the informal or formal resolution procedures detailed above, the student or employee has the right to take the complaint to an appropriate state or federal agency. Moreover, it should be noted that Medway Public Schools' complaint process does not prohibit any student or employee from filing a complaint with these agencies. For students, complaints may be taken to:

**The Office for Civil Rights  
John W. McCormack Building  
Post Office and Courthouse  
Boston, MA 02109-4557**

**The Bureau of Equal Education Opportunity  
Massachusetts Department of Education  
350 Main Street  
Malden, MA 02148-5023**

or other appropriate state or federal agency.

For employees or applicants for employment, complaints may be taken to:

**The Massachusetts Commission Against Discrimination  
One Ashburton Place  
Boston, MA 02108**

**Equal Employment Opportunity Commission  
One Congress Street, 10th Floor  
Boston, MA 02109**

or other appropriate state or federal agency.

## **VI. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by a Medway Public Schools student or employee, the Medway Public Schools will take action that is appropriate under the circumstances. Action may range from counseling to termination of employment or discipline, up to and including expulsion.

## **VII. State and Federal Remedies**

In addition to the above, if a student or employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the governmental agencies set forth below. Using Medway Public Schools' complaint process does not prohibit a student or employee from filing a complaint with these agencies. Each of the agencies has a short period for filing a claim (EEOC: 180 days; MCAD: 300 months).

### **The United States Equal Opportunity Commission ("EEOC")**

**JFK Building, Room 475  
Boston, MA 02114  
Phone: 617-565-3200**

**1801 L Street, N.W.  
Washington, D.C. 20507  
Phone: 202-663-4900**

### **The Massachusetts Commission Against Discrimination ("MCAD")**

**Boston Office:  
One Ashburton Place  
Room 601  
Boston, MA 02108  
Phone: 617-727-3990**

**Springfield Office:  
424 Dwight Street  
Room 220  
Springfield, MA 01103  
Phone: 413-739-2145**

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