

MIDDLEBOROUGH PUBLIC SCHOOLS
Middleborough, Massachusetts
SEXUAL HARASSMENT POLICY - STUDENTS

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 any type of harassment. Sexual harassment is against the law and will not be tolerated by the Middleborough Public Schools. All complaints of sexual harassment will be taken seriously and will be investigated thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

DEFINITION

Sexual harassment is defined 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 of an individual's success as a student; or
2. submission to or rejection of such conduct or communication by an individual is used as a factor in educational decisions affecting such individual; or
3. such conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.

Sexual innuendoes, jokes, comments, pictures, or displays of sexually suggestive materials may constitute sexual harassment depending upon the totality of the circumstances and the severity of the conduct. The policy applies equally between the sexes.

A. General Considerations

The Middleborough Public Schools expects that each and every student respect the rights of fellow students in a comfortable and harassment-free school environment. Sexual harassment of students, teachers, staff or volunteers occurring in school or at school-sanctioned activities is unacceptable, unlawful and will not be tolerated. Any person aware of such harassment is required to report it to a teacher, the principal, the sexual harassment investigator or the superintendent.

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. Generally there are two types of sexual harassment:

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 educational decisions affecting the victim.
 - a) Demanding sexual favors accompanied by overt threats concerning one's individual success; or
 - b) Engaging in reprisals (assigning undesirable tasks, making negative statements about the victim's conduct, etc.) as a result of an individual's refusing to engage in social/sexual behavior.
2. The other form of sexual harassment in the school environment is when a staff member'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 pornographic materials;
- f) Continuing to ask a person to socialize 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.

COMPLAINT PROCEDURES

If a student believes 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 Teacher, to his/her Principal, to the Superintendent or to the Sexual Harassment Investigator: Mrs. Theresa Craig, Coordinator of Curriculum and Professional Development and EEO Coordinator (508-946-2000). It shall be the responsibility of the Teacher, Principal, or Superintendent to report the incident(s) to the Sexual Harassment Investigator. When a school employee becomes aware that a teacher or staff member is sexually harassing a student, a 51A should be filed with the Department of Social Services.

Informal Procedures

Upon notification of a sexual harassment complaint or incident, an investigation will be initiated to 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 arrive at 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) An investigator helping the student to write a letter to the alleged harasser.
- b) An investigator talking to the alleged harasser on the complainant's behalf.
- c) An investigator bringing the alleged harasser and victim together to discuss and resolve the problem.

Formal Procedures

When informal procedures are not appropriate to resolving sexual harassment disputes, a formal investigation shall begin promptly.

1. The investigation shall consist of interviewing both the complainant and the alleged harasser separately. The investigator shall document the statements of both the complainant and the harasser.
2. The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant will not be tolerated. If there are any witnesses to the incident of harassment, they shall be interviewed 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 afforded as much privacy as possible without jeopardizing the investigation.
3. Within seven (7) workdays of the submission of the complaint to the Sexual Harassment Investigator, he/she 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 anticipated date of completion of the investigation.

4. After the investigation is completed, the investigator shall file a written report with the Sexual Harassment Investigator and the Superintendent. If the determination in the written report is that sexual harassment has occurred, the harasser, if a student, shall be subject to discipline, up to and including suspension or expulsion. The discipline shall be filed in the harasser's student file. Corrective action shall also be taken to eliminate future harassment and to correct the discriminatory effects on the complainant and/or others. 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 shall be placed in the alleged harasser's student file.
5. If either the 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. He/she may also discuss his/her dissatisfaction with the District Sexual Harassment Investigator. If still dissatisfied, he/she may discuss his/her dissatisfaction with the Superintendent.

In addition, students should be aware that they may have further recourse under the law governing sexual harassment. A formal complaint may be filed with:

- Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
- 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

NOTE: Recrimination/reprisal against complainant and/or witnesses after a finding or non-finding of sexual harassment will not be tolerated. Both parties shall be provided with a copy of the written report.

Sexual Harassment Investigator

Mrs. Theresa Craig
Coordinator of Curriculum and Professional Development
30 Forest Street
Middleborough, MA 02346
Telephone: 508-946-2000

Approved by Middleborough School Committee on May 8, 2008