



School Committee Policy:

#17

Sexual Harassment

The Maynard Public Schools requires all employees, students and visitors to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community. Sexual harassment by administrators, certified and support personnel, students, volunteers, vendors and other individuals at school or at school sponsored or related vents is unlawful and is strictly prohibited.

Sexual harassment includes but is not limited to unsolicited remarks, gestures, or physical contact, or expression of sexual interest, which continues after being informed that the interest is not welcome, or favoritism to an individual because of a sexual relationship, or display or circulation of written materials or pictures derogatory to either gender.

The determination of what constitutes sexual harassment will vary with the particular circumstances. Generally sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Acceptance of, submission to, or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or education
2. The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary or other decisions effecting a student;
3. Such conduct interferes with the individual's job duties, education, or participation in extra-curricular activities;
4. The conduct creates an intimidating, hostile or offensive work or school environment.

Any Employee or member of the school community found to have engaged in sexual harassment shall be subject to sanctions including, but not limited to; warning, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements. Any attempt by an Employee or a student to retaliate against a person who makes a claim of sexual harassment or provides information regarding a claim of sexual harassment is strictly prohibited and may result in any of the sanctions described in the previous sentence.

This policy will be enforced by the Superintendent or appointed designee.

Investigation and Closure of a Complaint

Any individual, who believes he/she has been sexually harassed, or who has witnessed or learned about sexual harassment of another person in the school environment, should inform the appropriate building personnel as soon as possible.

An **employee** who believes that he or she is the victim of sexual harassment should contact:

Director of Student Services
Maynard Public Schools
12 Bancroft Street
Maynard, MA 01754
(978) 897-2138

If an employee does not wish to discuss the issue with the Director of Student Services or feels that he or she is not addressing the problem in an effective manner, the employee should contact the Superintendent of Schools, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

A student who believes that he or she is the victim of sexual harassment should report the matter to a teacher, counselor, or administrator who in turn will notify the complaint manager in the school. As an alternative, a student may report directly to the Director of Student Services, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

If a student does not wish to discuss the issue with other school staff or feels that the staff is not addressing the problem in an effective manner, the student should contact the Superintendent of Schools, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

All employees of the Maynard Public Schools must respond to the suspected sexual harassment and to complaints by students of sexual harassment by notifying the building principal or the Director of Student Services. Employees are expected to take every report of sexual harassment seriously.

The Maynard Public Schools will promptly investigate every complaint of sexual harassment, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. If it determines that sexual harassment has occurred, it will take appropriate action to end the harassment, and to ensure that it is not repeated. Confidentiality will be maintained to the extent consistent with the schools obligations under law and under applicable collective bargaining agreements.

In certain cases, the sexual harassment of a student may constitute child abuse under Massachusetts' Law ch. 119, sec. 51A. The Maynard Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the building principal or the Department of Social Services, and to the Superintendent of Schools.

When an investigation has been completed, school personnel will inform the complainant of the results and file a report with the Coordinator for Title IX/Section 504 of the Rehabilitation Act/Chapter 622.

Penalties

If an investigation of a complaint of sexual harassment reveals that an employee or student has engaged in actions or conduct constituting sexual harassment, disciplinary action will be taken up to and including discharge (expulsion of a student). The disciplinary action taken will depend upon the seriousness or the violation. Disciplinary action can include a verbal reprimand, written reprimand, suspension, or termination/expulsion.

Any employee or student who prevents or attempts to prevent an individual from making a complaint of harassment, or who fails to cooperate with or interferes in any way with the investigation of such a complaint, may be subject to disciplinary action.

Any non-employee found to have committed an act of sexual harassment may be removed from school premises, or subject to other appropriate action, including the filing of criminal charges.

In addition to following the procedures outlined in this policy, a person may file a formal complaint with either or both of the following agencies:

U.S. Equal Employment Opportunity Commission,
10 Congress Street,
Boston, MA 02110 (617) 525-3600;

Massachusetts Commission Against Discrimination,
One Ashburton Place,
Room 601,
Boston, MA 02108
(617) 727-3990;

This policy will be given to all new employees at the time of hire, and annually thereafter. Students will receive a copy of this policy annually.

Date Approved: 2/1/07

Earlier Version: 12/94, 6/96, 6/98, 11/98

Cross Reference: #14, #335, 637 (reporting of child abuse)

Legal References: MGL 76:5 (Chapter 622 of the Acts of 1971); Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; MGL 119:51A; MGL 151B:3A, MGL 151B:4; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act (ADA) of 1990; MGL 71B:6 (Chapter 766); and Title VI.
