

# DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT

## POLICY

Sexual Harassment

ACAB

### **I. Introduction**

It is the goal of the Dudley-Charlton Regional School District 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 our goal of providing an educational environment or workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and the district has provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.

Because the Dudley-Charlton Regional School District 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, the district 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 our goals of promoting an educational environment or 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 we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **II. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this:

"sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment 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 work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor, teacher, or any individual in a position of authority or work for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment 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 workplace 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;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

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 our Dudley-Charlton students or employees believe that he or she has been subjected to sexual harassment, as described above, they have the right to file a complaint with the school district. This may be done in writing or orally.

If you would like to file a complaint, you may do so by contacting any building principal, the superintendent of schools, or other central office administrators. These personnel are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

For specific contact information of coordinators of the following programs: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, Equal Educational Opportunities Act of 1974, MA General Laws, Chapter 76, Section 5, Title I of the Elementary and Secondary Education Act of 1965, McKinney-Vento Homeless Education Assistant Act, see the district website: [www.dcrsd.org](http://www.dcrsd.org).

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

When the Dudley-Charlton Regional School District receives a complaint we will promptly 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 practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and the witnesses. The district will also interview the person alleged to have committed sexual

harassment. When the district has completed the investigation we 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.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we 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 resources.
- 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 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 resources.

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 who 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 30 school or working days. When more than 30 school or working days are required for the investigation, the administrator, supervisor, or director shall inform the student or employee who filed the complaint that the investigation is ongoing.

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 30 school or working days. When more than 30 school or working days are 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 Dudley-Charlton Regional School District 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 the Dudley-Charlton Regional School District's complaint process does not prohibit any student or employee from filing a complaint with these agencies. For students, complaints may be taken to:

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| <b>The Office for Civil Rights<br/>U.S. Dept. of Education<br/>John W. McCormack Building<br/>Post Office and Court House Square<br/>Boston, MA 02109-4557<br/>617-223-9667</b> | <b>The Bureau of Equal Education Opportunity<br/>Massachusetts Department of Education<br/>75 Pleasant St.<br/>Malden, MA 02148-5023<br/>781-338-3000</b> |
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Or other appropriate state or federal agency.

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

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| <b>The Massachusetts Commission Against<br/>Discrimination<br/>One Ashburton Place Room 601E<br/>Boston, MA 02108<br/>617-727-3990</b> | <b>Equal Employment Opportunity<br/>Commission<br/>JFK Federal Building<br/>475 Government Center<br/>Boston, MA 02203<br/>800-669-4000</b> |
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Or other appropriate state or federal agency.

## **VI. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees or a student, the district will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

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

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

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| <b>The United States Equal Employment<br/>Opportunity<br/>Commission (EEOC)<br/>JFK Federal Building Room 475<br/>Government Center<br/>Boston, MA 02203</b> | <b>Massachusetts Commission Against<br/>Discrimination (MCAD)<br/>One Ashburton Place<br/>Room 601E<br/>Boston, MA 02108<br/>617-727-3990</b> |
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Adopted December 11, 1996  
Amended March 27, 2002  
Amended October 25, 2006  
Amended December 12, 2012

Proposed for Amendment  
First Reading            March 27, 2019  
Second Reading and  
Amendment            April 10, 2019