

## SEXUAL HARASSMENT

All persons associated with the Hull Public Schools including, but not necessarily limited to, the Committee, the administration, the staff, and the student, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment, while acting as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Hull School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we 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 a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment: In Massachusetts, the legal definition for sexual harassment is this:

“Sexual harassment” means sexual advances, requests for sexual favors; or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Under these definitions, direct or implied request by a supervisor 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 a working or educational environment that is hostile, offensive, intimidating, or humiliating to male or female may also constitute sexual harassment.

While it is not possible to list all those circumstances that 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:

- Sexual advances – whether they involve physical touching or not.
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.

- Sexual jokes.
- Use of sexual epithets. 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, and cartoons.
- Leering, whistling, brushing against the body.
- Sexual gestures.
- Suggestive or insulting comments.
- Inquiries into one's sexual experiences.
- Discussion of one's sexual activities.
- Assault or coerced sexual acts.

Even if the conduct is not considered "unwelcome" by some, such conduct as described herein and under the law is inappropriate for a public facility or public activity under the general aegis of the Town of Hull and the Hull Public Schools. Furthermore, such conduct may be offensive to others. Therefore, such conduct is not to be tolerated or permitted, even if it may be viewed by some as not falling within the description of being "unwelcome".

All members of the school community 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 by the Hull Public Schools.

The Committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

1. Any member of the school community who believes that he or she has been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
  - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
  - b. The grievance officer will then attempt to meet with the charged party in order to obtain his or her response to the complaint.
  - c. The grievance officer will hold as many meetings with the parties as is necessary to obtain all the facts.
  - d. On the basis of the grievance officer's perception of the situation the grievance officer may:
    - (1) Attempt to resolve the matter informally through reconciliation. If reconciliation is unsuccessful, the grievance officer will;
    - (2) Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather additional evidence as necessary to decide the case, and thereafter

impose sanctions deemed appropriate, including a recommendation to the Committee for termination or expulsion. At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct.

4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the following government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period to file a claim: (EEOC-180 days; MCAD – 6 months)

1. The United States Equal Employment Opportunity Commission  
1 Congress Street  
Room 475  
Boston, MA 02203 (617) 565-3200
2. The Massachusetts Commission Against Discrimination  
Boston Office:  
One Ashburton Place  
Room 601  
Boston, MA 02108 (617) 727-3990  
  
Springfield Office:  
436 Dwight Street, Room 220  
Springfield, MA 01103 (413) 739-2145

The Grievance Officers / Sexual Harassment Officers are named on the Current Personnel Page of the Policy Manual:

This policy is distributed to all employees on an annual basis and to all new employees upon hire. All distributed copies of this policy will include the Current Personnel Page.

SOURCE: Harassment Policy of the Town of Hull

LEGAL REFS: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

CROSS REFS: AC, ACA, and JBA