

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. Sexual harassment in the workplace is unlawful. 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 advances, requests or conduct is made either explicitly or implicitly a term or condition of a person’s employment or a basis of employment decisions or educational development.
2. Submission to or rejection of such advances, requests or conduct by an individual is used as the basis of a person’s employment or basis of employment decisions 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 by creating an intimidating, hostile, or sexually offensive work or educational environment.
4. Discrimination on the basis of sex includes, but is not limited to, sexual harassment. 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, photographs, 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.
- Subtle pressure for sexual activity.
- Unwelcome suggestive remarks, verbal abuse, whistling, brushing against the body.
- Unnecessary touching in any form.
- Physical assault, including rape.
- Sexual remarks about a person's clothes, body or sexual activity.
- Requiring a person to wear sexually revealing clothing.
- Public display of sexually explicit, offensive or demeaning photographs.

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 central office sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints.

Building Grievance Officer

The building Principal and/or Designee, Assistant Principal, Adjustment Counselor and School Psychologist act as grievance officers at the building level. The grievance officers will be provided with training for handling sexual harassment cases and each year will be responsible for informing all staff and students of their rights and responsibilities under this policy

Procedures for reporting, investigating and resolving complaints of discrimination/harassment:

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 a building administrator. If normal disciplinary procedures are determined to be inadequate, the incident(s) will be referred to one of the building grievance officers. The building grievance officer will attempt to resolve the problem in an informal and timely manner.
2. The building grievance officer will meet with the individual to obtain a clearer understanding of that individual's statement of facts. After meeting with the grievant, the grievant or grievance officer may put the complaint of sexual harassment in writing. In the event that the grievance officer puts the complaint in writing, the grievant will review the written grievance for its accuracy and sign it. In the event that the grievant does not feel comfortable making the grievance as outlined above, he or she is free to report the grievance with any other administrator. That administrator will then coordinate the processing of the grievance with the building grievance officer.

Student-to Student Education Procedure

The student complainant meets with the Adjustment Counselor and/or School Psychologist. The student is given the opportunity or choice to meet with the alleged harasser face-to-face or, if that is not possible, they may elect to write a letter to the alleged harasser. The conversation or the letter should include the following:

- a. An exact description of the behavior, including when and where it occurred
- b. A description of how the behavior made the victim feel – embarrassed, intimidated, angry, etc.
- c. A request that the behavior stop because it is discrimination/harassment and is against the law
- d. An agreement that if the behavior stops, nothing further will be said and no further action is to be taken

The Adjustment Counselor and/or School Psychologist will meet with the accused to discuss and resolve the issue either with the complainant or by going over the letter. A statement of resolution will be signed. The Adjustment Counselor and/or School Psychologist will provide the Principal and/or Assistant Principal a brief report which documents the intervention. This documentation shall be kept in the School Psychologist's office. Within a reasonable time following this meeting, the Adjustment Counselor and/or School Psychologist will meet with the complainant to confirm resolution of the situation.

In cases where the discrimination/harassment is determined to be severe, persistent, when there is retaliatory behavior or when it is not resolved through the above procedure, the situation will be immediately referred to the administration (Principal or Assistant Principal) for disciplinary action.

Formal Complaint Procedures for filing report of discrimination/harassment with the Central Office Harassment/Grievance Officer:

In cases where the student complainant is not satisfied with the outcome, the student or employee has the option of filing the written complaint of sexual harassment with the central office sexual harassment officer.

The central office grievance officer is responsible for processing all sexual harassment complaints whose seriousness falls beyond the regular discipline code, by following the procedure outlined below. The central office grievance officer will attempt to resolve the problem through the following process:

- a. The grievance officer will meet with an individual to obtain a clearer understanding of that individual's statement of facts. After meeting with the grievant, the grievant or grievance officer may put the complaint of sexual harassment in writing. In the event that the grievance officer puts the complaint in writing, the grievant will review the written grievance for its accuracy and sign it. In the event that the grievant does not feel comfortable making the grievance as outlined above, he or she is free to report the grievance with any other administrator. That administrator will then coordinate the processing of the grievance with the grievance officer. If a student under 18 years of age is involved, his/her parents shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interest of the student.
- 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. The grievance officer will meet with other individuals who have pertinent information.
- e. The grievance officer will review any pertinent documents.

The Hull Public Schools may take immediate steps, at its discretion, to protect the complaining student, alleged discriminator/harasser, witness, students, and school employees pending completion of an investigation of alleged sexual harassment and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, etc.

On the basis of the central office grievance officer's perception of the situation the grievance officer may:

- (1) Attempt to resolve the matter informally through reconciliation.
- (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 central office grievance officer, upon request, will provide the charging party with 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
JFK Federal Building
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
Chapter 151B, Section 1 and Section 3A

CROSS REFS: AC, ACA, and JBA

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