

**POLICY RELATING TO PERSONNEL MANAGEMENT**

**SEXUAL HARASSMENT**

I. Introduction

It is the goal of the Wachusett Regional School District to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment 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 the goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated. The District has provided a procedure by which inappropriate conduct will be dealt with.

Because the Wachusett Regional School District takes allegations of sexual harassment seriously, there will be prompt response to complaints of sexual harassment. 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 the goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the District's authority to discipline or take remedial action for workplace conduct which it deems 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.

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***SEXUAL HARASSMENT (continued)***

Under these definitions, direct or implied requests 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 work place environment that is hostile, offensive, intimidating, or humiliating to male or female 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 employees 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 District employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally.

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To file a complaint the employee should contact the Director of Human Resources or Superintendent of Schools, 1745 Main Street, Jefferson, MA 01522, (508) 829-1670. These persons are also available to discuss any concerns and to provide information about the District's policy on sexual harassment and the complaint process.

IV. Sexual Harassment Investigation

When the District receives the complaint there will be a prompt investigation of 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 with witnesses. The District will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the District 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, the District will act promptly to eliminate the offending conduct, and where it is appropriate will also impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee, 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 deemed appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if an employee believes they have been subjected to sexual harassment, they may file a formal complaint with either or both of the government agencies set forth below. Using the District complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC (Equal Employment Opportunity Commission) - 300 days <http://www.eeoc.gov/> ; MCAD (Massachusetts Commission Against Discrimination) - 300 days <http://www.mass.gov/mcad/>).

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VII. Students

School district employees are expected to maintain the highest standards of conduct with regard to students. Nothing in this policy will be deemed to sanction any conduct, verbal or physical, of a sexual nature directed by an employee or other adult connected with the District toward a student. No employee may engage in verbal or physical sexual conduct toward a student at any time.

In addition, every employee is required to report any incident of sexual harassment by another employee, school volunteer, or other adult connected with the District of which the employee has knowledge. An employee who receives a complaint from a student that the student has been sexually harassed is also required to report that complaint. Failure to make any such report will subject the employee to disciplinary action. The policy relating to sexual harassment of or by students is described by School Committee P6434,

Sources: Model Sexual Harassment Policy 96-2, Massachusetts Commission Against Discrimination

Massachusetts General Laws 151B

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