

**MEDFIELD PUBLIC SCHOOLS
SEXUAL HARASSMENT POLICY**

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The Medfield Public Schools is committed to providing faculty, staff and students with an environment in which they may pursue their careers and studies without being sexually harassed. All persons associated with the Medfield Public Schools including, but not limited to, the school committee, the administration, the staff and the students 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.

To inform all parties of the law, reporting method and penalty for violating the policy, copies of the policy will be included in all Medfield Public Schools Student, Parent and Faculty Handbooks and will be distributed to support personnel through department managers/supervisors.

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Sexual harassment, as here defined, is a violation of the Title VII and Title IX of the 1964 Civil Rights Act and M.G.L., c.151, §3A, s.4 B. For the purposes of this policy, it is defined as follows:

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~~Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic work; or 2) submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment. "Sexual harassment" is defined in G.L. c. 151B, § 1 as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:~~

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities or as a basis for employment decisions.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not.

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, or cartoons.

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Several behaviors listed as sexual harassment may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any persons involving sexual molestation or exploitation of a child, including, but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also constitute physical and/or sexual abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Children and Families within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse. All school personnel are identified as being mandated reporters.

The committee's policy against sexual harassment will extend to students, staff, the general public, and individuals with whom it does business. If you have a complaint or feel that you have been sexually harassed, you may register your complaint with the District Civil Rights Coordinator or the Building Principal for the school in which the alleged discrimination occurred. Students may also report sexual harassment to any staff person s/he feels comfortable with, and that staff person will in turn report the alleged incident of sexual harassment to the Building Principal or District Civil Rights Coordinator.

All investigations will be in compliance with Title IX and Policy ACE, the District's Non-Discrimination and Grievance Procedure.

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CROSS REF.: AC, Non-Discrimination

ACA, Non-Discrimination on the Basis of Sex

ACE, Non-Discrimination Policy and Grievance Procedure

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In determining whether an alleged incident constitutes sexual harassment, the building principal will serve as the hearing manager vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure outlined below. The superintendent will designate two individuals per building, one of each sex, who complainants may report to. These individuals, referred herein as "designees" will report complaints to the building principal.

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~~— Any member of the district who believes that he/she has been subjected to sexual harassment is to report the incidents to any administrator designees or directly to the building principal. The administrator or designee is to contact the hearing manager. If the complaint is against the superintendent, the complainant is to report to any administrator, designee or to the Director of Pupil Personnel Services and then have the complaint heard by the school committee.~~

~~— The hearing manager will look at the totality of the circumstances and the context in which the alleged incidents occurred. The hearing manager will attempt to resolve the problem by conferring with both parties in order to obtain a clear understanding of the facts.~~

~~— In complaints related to employees, the superintendent has the authority to impose disciplinary action which may include, but not be limited to any one or combination of the following: verbal admonition, warning placed in the respondent's personnel file,~~

~~probation, suspension without pay, demotion, removal from administrative duties within a department and recommendation to the school committee for dismissal.~~

~~—In complaints related to student student harassment, the reporting procedure will be conducted in accordance with the policy outlined in the student handbook and the Medfield Student Conduct on School Bus Policy. In severe cases, complaints may be referred to the Superintendent of Schools.~~

~~—All matters involving sexual harassment complaints will remain confidential to the extent possible.~~

Formal Procedure

~~A complainant may file a formal complaint immediately or may do so after the principal's efforts to reach a settlement have proven unsuccessful. At any point in the process, both the complainants and the respondent may be accompanied by an advocate if they so desire.~~

~~The complaint will state clearly and concisely the complainant's description of the incident and it will also indicate any remedy sought. The complaint must be signed by the complainant. The hearing manager will meet with the complainant privately as soon as possible receiving the complaint. The hearing manager will meet with the respondent privately as soon as possible and the principal's office will send the respondent a copy of the complaint within five working days after it is received. The complaint manager will also meet with any witnesses as stated by the complainant or the respondent.~~

~~The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign his/her statement which will then be appended to the original complaint. Within three working days, the superintendent's office will forward both statements to the complainant and the respondent. There will be two modes of resolution for formal complaints. A complaint may be settled through mediation by the complaint manager or through a hearing. If the complainant and respondent agree to pursue mediation, a date mutually acceptable to both parties will be set within ten working days. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to both parties. If the mediation does not result in an agreement, the case will be forwarded to the superintendent for a hearing. The complaint manager will prepare a full written report at the conclusion of the investigation. In the event the superintendent is a party, the matter shall be forwarded to the Committee to convene a hearing consistent with these procedures.~~

~~When a hearing is requested, the superintendent will inform the school committee and the case will be heard at the next regularly scheduled meeting of the school committee after the hearing before the superintendent.~~

Hearing before Superintendent

~~The purpose of the superintendent's hearing will be to determine whether the school system's policy on sexual harassment has been violated, and, if so, will recommend appropriate consequences for the violation.~~

~~Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the superintendent will not be bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves, although, if desired, each party may be accompanied by an advocate.~~

~~The superintendent will act as the presiding officer of the hearing. The complainant and the respondent will be asked to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, the parties will notify the superintendent at the start of the proceedings about the points of agreement and disagreement. The superintendent will hear testimony and consider whether the school committee policy on sexual harassment has been violated, and, if so, will recommend appropriate consequences.~~

~~The superintendent will:~~

- ~~1. ensure an orderly presentation of all evidence;~~
- ~~2. ensure that the proceedings are accurately recorded;~~
- ~~3. see that a fair and impartial decision based on the issues and evidence presented at the hearing is issued no later than ten working days after the conclusion of the hearing or, when written arguments are submitted, ten working days after their submission;~~
- ~~4. conduct a fair and impartial hearing which ensures the rights of all parties involved;~~
- ~~5. define issues of contention;~~
- ~~6. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;~~
- ~~7. ask relevant questions of the complainant, respondent, and any witness if needed to elicit information which may assist in making a decision;~~
- ~~8. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence which may establish their claims.~~

~~The proceedings before the superintendent will be as follows:~~

- ~~1. The superintendent will read the charge(s) and ask the respondent to either admit or challenge the allegations.~~
- ~~2. The complainant may present a brief opening statement, followed by the same from the respondent.~~
- ~~3. The superintendent will give each party a reasonable opportunity to present all relevant evidence.~~
- ~~4. Each party may make a concluding statement.~~
- ~~5. The superintendent may make other rules concerning the procedure of a hearing which it deems appropriate and consistent with this sexual harassment policy.~~

~~Decision of the Hearing Officer~~

~~After all the evidence and testimony is presented, the superintendent will convene for private deliberations to determine whether the school system's policy on sexual harassment has been violated. If the superintendent finds that the policy has not been violated, that fact will be registered in the records of the hearing, and the written decision will be forwarded to the complainant and the respondent no later than fifteen working days after completion of the hearing.~~

~~If the superintendent finds that the school system's policy on sexual harassment has been violated, the hearing officer will prepare findings and will recommend a penalty for the respondent and relief for the complainant. The findings of fact as well as the recommended penalty and relief will be based solely on the testimony and evidence presented at the hearing. The penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file, probation, suspension without pay, demotion, removal from administrative duties within a department, and dismissal. Suspension or dismissal to be handled in accordance with M.G.L., c. 71, sec 42. The superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.~~