

ACAB Sexual Harassment

All persons associated with the Agawam 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 Agawam School Committee takes allegations of sexual harassment seriously, they will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, they 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 they deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment: Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

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.

Considerations

By definition, sexual harassment is not limited to prohibited conduct by a male toward a female, by a supervisory employee toward a non-supervisory employee or by a teacher toward a student. The school district's view of sexual harassment includes, but is not limited to, the following considerations:

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A. A man, as well as a woman, may be the victim of sexual harassment, and a woman, as well as a man, may be the harasser.

B. The harasser does not have to be the victim's supervisor. He/she may also be an agent of the employer, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, even a non-employee (student, parent).

C. The victim may be the same or opposite sex as the harasser.

D. Sexual harassment includes any verbal or physical conduct of a sexual nature, which is considered offensive and directed toward another person. For example, inappropriate attempts of humor or the sexual harassment of one female (or male) employee may create an intimidating, hostile, or offensive working or educational environment for another female (or male) or may unreasonably interfere with an individual's work or educational performance.

E. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless,

constitute sexual harassment where they unreasonably interfere with the victim's work or education, or create a harmful or offensive work or educational environment.

All personnel will be responsible for implementing, monitoring and enforcing the above policy. All personnel are to strictly adhere to this policy and report any violations to their appropriate supervisor.

The Grievance Officer: [Name, Office, Address, Phone Number]

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:

Procedure

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:

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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 facts.

d. On the basis of the grievance officer's perception of the situation he or she 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 [Name, Office, Address, Phone Number] may attempt to gather any more evidence necessary to decide the case, and thereafter impose any 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, they will act promptly to eliminate the offending conduct.

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

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)

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