

## ACAB-R Nondiscrimination/Sexual Harassment Complaint Procedure

A formal complaint may be filed at any time by a student, employee, administrator, and/or applicant who believes that his/her rights as outlined in the sexual harassment policy have been violated. Each student, faculty member, administrator, or staff member has an obligation to make every effort to resolve problems informally as they arise. All members of the school community are urged to resolve problems fairly and informally. If a suitable solution cannot be reached informally through independent means, a formal investigation may be initiated and appropriate disciplining action taken.

### **Definitions**

A complaint shall be an accusation by an individual that there has been a violation of the sexual harassment policy.

A. The individual should file a written statement of the complaint within thirty (30) days of the alleged harassment. The complaint should be filed with the Superintendent of schools or, in the event that the Superintendent is the alleged harasser, with the Chairperson of the School Committee.

B. Once the Superintendent or Chairperson receives the complaint, he/she shall conduct an appropriate investigation. At his/her discretion, the Superintendent or the Chairperson may designate some other individual to conduct the investigation.

C. Such investigation may consist of, but may not be limited to, the following actions:

1. Interview(s) with the individuals;
  
2. Interview(s) with the person(s) alleged to be the harassers;

3. Interviews with other employees or witnesses;

4. Interviews with other individuals at the discretion of the Superintendent or Chairperson

5. Review of pertinent records.

D. Within a reasonable time after receipt of the complaint, the Superintendent or Chairperson shall inform the alleged harasser and the individual of his/her decision as to whether he/she finds the written allegations to be credible.

1. If the Superintendent or Chairperson determines that the allegations are not credible, the matter shall be closed. The Superintendent or Chairperson shall keep the documents, notes and other material from the investigation as a record for an appropriate period of time. The purpose for retaining this record is to enable the school district to prove that an appropriate investigation was conducted.

2. If the Superintendent or Chairperson determines that the allegations, or any part of the allegations, are credible, he/she shall take appropriate disciplinary action against the person(s) involved.

E. If the person filing the complaint or the person who is the subject of the complaint is not satisfied with the results of the complaint procedure, he/she may appeal for a hearing before the School Committee.

### **Miscellaneous**

A. Individuals are not limited to a formal complaint procedure but may seek relief from other agencies, including the Equal Employment Opportunity Commission, the Massachusetts

Commission Against Discrimination or the office of Civil Rights of the Department of Education.

B. Any retaliatory action of any kind taken by an employee or student of the school district against any other employee or student of the school district as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any proceeding under these procedures is prohibited, and shall be regarded as a separate and distinct matter under this procedure.

C. All complaint proceedings will, to the greatest possible extent, be held in confidence by all persons directly or indirectly involved in them.

### **Penalties in Cases of Sexual Harassment**

Remedial actions will depend on the severity of the incidents. Because of the private nature of certain incidents, particularly those involving sexual harassment, and the emotional and moral complexities surrounding such issues, every effort will be made to resolve problems on an informal basis, if possible. When a complaint is resolved informally, only a short summary of the incident will be maintained on file.

An admission of guilt, an acknowledgment of a verbal warning, a promise not to commit such abuse again, and action taken to provide appropriate relief for the individual may be sufficient resolution. At this informal state, it is hoped to sensitize the person at fault to the effects of such behavior, to be constructive and not unduly punitive in the disciplinary action. If informal resolutions are not adhered to or if the allegations involve conduct for which informal resolutions are not appropriate, the Superintendent or Chairperson may deem it necessary to take appropriate action that can include formal letters of reprimand, suspension, discharge or other disciplinary action.

### **Guidelines**

The school district prefers as few rules and regulations as possible. Nevertheless, it is necessary to have certain reasonable policies and procedures to govern our activities while at work so as to ensure the greatest possible comfort and safety for all.

Accordingly, the preceding guidelines have been formulated. Each employee is responsible for observing these guidelines. Similarly, all administrators are responsible for seeing that the guidelines are observed and for taking appropriate action to correct any violations through counseling, reprimand, or through written warnings, suspension or discharge in the case of serious or repeated violations.

### **Disciplinary Actions**

Any disciplinary action in connection with employee violations of this policy will be conducted in accordance with the provisions of any applicable collective bargaining agreements and statutes in effect at the time of such disciplinary action.