

MILLBURY SCHOOL COMMITTEE

SEXUAL HARASSMENT: POLICY AND PROCEDURES

I. Policy

A. INTRODUCTION:

The Millbury School Committee (the “School Committee”) depends upon a work environment of tolerance and respect for the achievement of its goals. The School Committee is committed to providing a working environment that is free of all forms of abuse or harassment. The School Committee recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by State and Federal law. The School Committee also condemns and prohibits sexual harassment by any employee and of any employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. Sexual harassment, as defined by the law, may, depending upon the circumstances, include unwelcomed actions such as:

- Verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
- Physical contact including patting, pinching, or repeated brushing against another’s body;
- Demands or requests for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s status as an employee;
- Continuing to express sexual interest after being informed that the interest is unwelcome;
- Assaults or molestations;
- Posting or distributing sexually suggestive pictures or materials;
- Inquiries into someone’s sexual experiences or discussion of one’s own sexual activities

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- 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;
- The harasser does not have to be the victim's supervisor
- The victim does not have to be of the opposite sex from the harasser;
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive work environment for the co-worker or interferes with the co-worker's work performance.

Please note that while this policy sets forth our goals of promoting a workplace 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 conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Employee Responsibilities

Each employee is personally responsible for:

- Ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- Cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- Actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination;
- Ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

B. The Rule

It is therefore against the policy of the School Committee for any employee of the School Committee, male or female, to harass another employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- Submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- Such conduct has the purpose or effect of interfering with an individual's work performance;
- A hostile or intimidating work environment is created for the employee.

It is also against the policy of the School Committee for an employee to sexually harass any person with whom the employee comes in contact on the job.

C. Retaliation

Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law.

II. Violation of Policy

An employee violating this policy will be subject to appropriate discipline, including possible discharge by the School Committee.

III. Procedures for Complaints

A. Complaint

The School Committee has designated a Sexual Harassment Grievance Officer. The current Sexual Harassment Grievance Officer is Leslie Munns. Ms. Munns can be reached at Millbury Junior Senior High School and her telephone number is (508) 865-5841. If you would prefer, you may contact Ann Meservey, who has been designated as the Alternate Sexual Harassment Grievance Officer. Ms. Meservey can be reached at Millbury Junior Senior High School at (508) 865-5841.

If any employee believes he or she has been subject to sexual harassment, the employee should initiate a complaint by contacting the Sexual Harassment Grievance Officer as soon as possible. The employee should file the complaint promptly following any incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Sexual Harassment Grievance Officer to reconstruct what occurred. The employee will be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible sexual harassment problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment and may go directly to the Grievance Officer.

B. Investigation

On receiving the complaint, the Sexual Harassment Grievance Officer of the Alternate Sexual Harassment Grievance Officer will promptly conduct a preliminary investigation into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Superintendent will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the

extent consistent with an effective investigation, subject to the business needs of the school district.

C. Decision

After the response of the charged employee has been made, and any further investigation which may be warranted has been carried out, the superintendent will make a final decision. If the Superintendent finds that the allegations in the complaint have been established by the investigation, the Superintendent will initiate discipline of the charged employee. Discipline will be appropriate to the offense and employees involved, and may include discharge.

The complainant will be notified of the disposition of the investigation.

IV. State and Federal Agencies

The Massachusetts Commission Against Discrimination (MCAD) located at One Ashburton Place, Boston and 436 Dwight Street, Springfield, is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at One Congress Street, Room 1001, Boston. They may be contacted at the above addresses. A complaint to the MCAD must be filed within six months. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

Revised by the Millbury School Committee on December 10, 2003

Adopted by the School Committee of the Millbury Public Schools on 2/9/05

First Reading: 1/12/05

Second Reading: 1/26/05

V. Acknowledgment of Receipt of Policy

I acknowledge receipt of this Sexual Harassment Policy from the Millbury School Committee and I have read its contents.

Employee

Date

Witness