

## **SEXUAL HARASSMENT**

### **I. INTRODUCTION**

It is the goal of Plainville Public Schools to promote a workplace that is free of sexual harassment. Sexual harassment occurring in the workplace is unlawful and will not be tolerated by this organization. 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 our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by an employee of the Plainville Public Schools.

Because Plainville Public Schools takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we 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 free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem 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 decision.
- OR
- b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work by creating an intimidating, hostile, humiliating or sexually offensive workplace.

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 workplace 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 sexual experiences, or;
- Discussion of sexual activities.

All members of the workplace 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 by the Plainville School Department.

### III. COMPLAINTS OF SEXUAL HARASSMENT

**Grievance Officer** The Committee will appoint the Superintendent of Schools as the sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints. In the event that the complaint is lodged against or by the Superintendent, the School Committee Chairperson will serve as the grievance officer in this instance only.

If the individual bringing the complaint does not first want to discuss the complaint with the Superintendent, he/she may first discuss the issue with the Principal or a staff member, who in turn, will report the allegation to the Superintendent within 24 hours.

If any member of the workplace believes that he or she has been subjected to sexual harassment, that person has the right to file a complaint with the Plainville School Department. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting:

Superintendent of Schools  
Anna Ware Jackson School  
68 Messenger Street  
Plainville, MA 02762  
Telephone: (508) 699-1300

This person is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### IV. SEXUAL HARASSMENT INVESTIGATION

When we receive the complaint we will promptly investigate 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. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we 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, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

V. **DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Disciplinary action may include: an apology, on-going education and/or counseling, suspension, letter of reprimand, termination of employment, court involvement, or other forms of disciplinary action as we deem appropriate under the circumstances.

VI. **STATE AND FEDERAL REMEDIES**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below.

Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (MCAD – 6 months; EEOC – 180 days).

The Massachusetts Commission Against Discrimination (“MCAD”)  
One Ashburton Place – Room 601  
Boston, MA 02108  
Telephone: (617) 727-3990

The United States Equal Employment Opportunity Commission (EEOC)  
One Congress Street, - 10<sup>th</sup> Floor  
Boston, MA 02114  
Telephone: (617) 565-3200

LEGAL REFS.: Title VII, Section 703. Civil Rights Act of 1964 as amended.  
45 Federal Regulation. 74676 issued by EEO Commission.  
MGL. Chapter 151B

Reviewed: January 22, 2019

3 of 3