

HARASSMENT

All persons associated with this school system, including, but not necessarily limited to, the 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.

The Rule. It is, therefore, against the policies 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:

1. submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
2. submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
3. such conduct has the purpose or effect of interfering with an individual's work performances;
4. retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with his or her work performance; or
5. a hostile or intimidating work environment is created for the employee.

Violation of Policy

Any employee violating this policy will be subject to appropriate discipline, including possible discharge by Superintendent.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45 Federal Regulation 74676 issued by EEO Com.

Review, Revised and Amended October 15, 2002

HARASSMENT

Complaint

The Auburn School Committee has designated a Harassment Grievance Officer. If any employee believes he/she has been subject to any form of harassment, the employee should initiate a complaint by contacting the Sexual 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 School Committee to reconstruct his/her complaint to document the charge. Employees will not have to go through the regular chain of reporting procedures when reporting harassment. If the employee is uncomfortable contacting the Harassment Grievance Officer because he/she believes the Harassment Grievance Officer may not receive the complaint impartially, the employee may contact the Superintendent.

Investigation

The Harassment Grievance Officer is the person appointed by the Committee to investigate charges of harassment. The Harassment Grievance Officer shall be a person both employees and students feel comfortable approaching with such a charge.

Reviewed, Revised and Amended October 15, 2002

- Complainant and Respondent: complainant is the person bringing forth the charge of harassment. Respondent is the person charged with harassment.
- Reasonable Man/Reasonable Woman Standard: The Harassment Grievance Officer shall employ either a reasonable man or a reasonable woman standard, depending upon the sex of the complainant when investigating a charge of harassment. That is, would a reasonable man or a reasonable woman perceive the conduct of the respondent as harassment.
- Reprisal: A reprisal is an action that is retaliatory in nature. Any other form of harassment shall be considered a reprisal. For example, respondent is a supervisor/teacher and gives complainant an undeserved negative evaluation/guide because complainant brought the claim of harassment against the respondent.
- Employee(s): Employee(s) shall be read to mean: administrators, teachers, clerical staff, cafeteria workers, Educational assistants, custodial staff, and anyone else employed by, or a volunteer of the School District.
- Persons who need to know: Persons who need to know shall include, at the appropriate time(s), the respondent, any witnesses, the Harassment Grievance Officer, the representatives present in the investigation interviews, the complainant's parents/guardian(s) if complainant is a student, the Superintendent, and the School Committee.

Harassment may encompass an accumulation of incidents, and not just one, incident; i.e. a remark/joke, etc. that may seem innocuous when said the first time but continues after complainant states that he/she is offended by that type of remark/joke etc. The following

procedure section refers to an "incident" of harassment but also means the accumulation of "incidents" to the point of harassment.

Procedure

When a complainant is a student:

If a student confides in an employee that the student, or another student, has been treated inappropriately by either another student or an employee of the school department the employee shall immediately bring the matter to the attention of the building Principal. If the Principal determines that the actions meet the criteria of harassment, the Harassment Grievance Officer will immediately be contacted.

The Harassment Grievance Officer shall:

1. notify the student and his/her parent(s)/guardian(s) that the student's claim of harassment has been referred to the Harassment Grievance Officer for an investigation;
2. notify the proper authorities, if the situation warrants such obligation;
3. notify the respondent of the charge against him/her.
4. If the respondent is an employee inform him/her that he/she may have a representative present when interviewed by the Harassment Grievance Officer. If the respondent is a student, the parents/guardians are notified; interview the complainant with parent(s)/guardian(s);
5. interview the respondent with union representation or parent/guardian, if requested;
6. interview the employee who notified the Investigator of the claim of harassment;
7. interview any witnesses to the harassment; and,
8. submit a written determination to the Superintendent, the report: should include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact.
9. re-interview the complainant and the respondents, under the same circumstances as the first interview, if the Harassment Grievance Officer believes more information or clarification is necessary. Or, the Harassment Grievance Officer may permit the complainant and the respondent the equal opportunity to submit written reports with any additional information.

The Harassment Grievance Officer shall document the statements of the complainant, the respondent, and the witness (es), as to (a) the date(s) of the alleged incident(s); (b) the dates of the meetings with the interested parties; and (c) the persons present at the meetings.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant shall/will not be tolerated.

The complainant and the respondent shall both verify the Harassment Grievance Officer documentation of their individual statements as to the incident(s) of harassment, by signing; the Harassment Grievance Officer's notes of the meeting(s), and making any corrections to their own statements if necessary.

Upon conclusion of the investigation

1. the Harassment Grievance Officer shall file a written report, which shall include a determination of whether harassment occurred, a procedural summary, any evidence, and finding of fact.
2. the Superintendent shall determine what action shall be taken, if any.
3. if the charge is substantiated, the action to be taken shall consist of, but not be limited to, one of the following:
 - a) warning
 - b) suspension
 - c) dismissal, following all due process procedures
 - d) expulsion
4. the action of the Superintendent shall be taken as soon as possible following the submission of the Harassment Grievance Officer report.
5. the investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.

The Superintendent shall:

1. notify the complainant and the respondent that a determination has been made; and,
2. determine whether action need be taken.

If action is taken, the Superintendent shall notify the School Committee in this same manner as he/she would in other serious matters.

IF HARASSMENT IS DETERMINED TO BE OF THE LEVEL OF "ASSAULT OF A MINOR", THE PROPER AUTHORITIES SHALL BE NOTIFIED AT ANY POINT IN TIME DURING THE INVESTIGATION, THE SCHOOL COMMITTEE'S INVESTIGATION, THROUGH ITS HARASSMENT GRIEVANCE OFFICER, SHALL BE SEPARATE; BUT THE SCHOOL COMMITTEE WILL COOPERATE WITH THE AUTHORITIES.

When the complainant is an employee:

If an employee believes that he/she has been harassed, he/she shall report the incident immediately to the Harassment Grievance Officer, or a person to whom the complainant feels comfortable reporting such a matter (e.g. union representative, supervisor, etc.). If the harassment is not reported to the Harassment Grievance Officer initially, the person to whom it was reported shall notify the Harassment Grievance Officer immediately upon learning about the harassment.

After the report of harassment, the Harassment Grievance Officer shall immediately begin the investigation. The investigation shall consist of:

1. interviewing both the complainant and the respondent, individually and privately, unless the presence of a union representative, or other legal representative is requested;

2. documenting the statements of both the complainant and the respondent by noting (a) the dates of the alleged incident(s), (b) the dates of the meetings with the complainant and the respondent, (c) the persons present at the meetings, and, (d) the name(s) of persons given as witnesses;
3. interviewing any witnesses named by either the complainant or the respondent, individually and privately, unless the presence of a union representative or other legal representative is requested;
4. documenting the statements of the witnesses, who will sign-off as to the validity of the statements; and,
5. re-interviewing the complainant and the, respondent, under the same circumstances as the first interview, if the Harassment Grievance Officer believes more information or clarification is necessary. Or, the Harassment Grievance Officer may permit the complainant and the respondent the equal opportunity to submit written reports with any additional information.

The complainant and the respondent shall both verify the Harassment Grievance Officer's documentation of their individual statements as to the incident(s) of harassment, by signing the Harassment Grievance Officer notes of the meeting(s), making any corrections to their own statements, if necessary.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant shall/will not be tolerated.

Upon conclusion of the investigation:

1. the Harassment Grievance Officer shall file a written report, which shall include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact
2. the Superintendent shall determine what action shall be taken, if any.
3. if the charge is substantiated, the action to be taken shall consist of, but not be limited to, one of the following:
 - a. warning
 - b. suspension
 - c. dismissal, following all due process procedures
4. the action of the Superintendent shall be taken as soon as possible following the submission of the Harassment Grievance Officer report.
5. the investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.

The Superintendent shall:

1. notify the complainant and the respondent that a determination has been made;
2. determine whether action need be taken.

If action is taken, the Superintendent shall notify the School Committee in the same manner as he/she would in other serious matters.

If an employee believes that he/she has been harassed by a student, the employee shall report the incident(s) immediately to the Harassment Grievance Officer.

After the report of harassment, the Harassment Grievance Officer shall immediately commence the investigation. The investigation shall consist of:

1. notify the parent(s)/guardian(s) of the student respondent;
2. interviewing the complainant with union representation present, if requested
3. interviewing the student respondent with parent(s)/guardians(s) and/or legal representation present;
4. documenting the statements of both the complainant and the student respondent by noting (a) the dates of the alleged incident(s), (b) the dates of the meetings with the complainant and the respondent, (c) the persons present at the meetings, and, (d) the names of persons given as witnesses;
5. interviewing any employee witnesses, named by either the complainant or the respondent, individually and privately, unless the presence of a union representative is requested;
6. interviewing any student witnesses, named by either the complainant or the respondent, with either parental approval or the parent(s)/guardian(s) present document the statements of the witnesses, who will sign-off as to the validity of the statements; and
7. re-interviewing the complainant and the respondents, under the same circumstances as the first interview, if the Harassment Grievance Officer believes more information or clarification is necessary. Or, the Harassment Grievance Officer may permit the complainant and the respondent the equal opportunity to submit written reports with any additional information.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant shall/will not be tolerated.

The complainant and the student respondent shall both verify the Harassment Grievance Officer's documentation of their individual statements as to the incident(s) of harassment, by signing the Harassment Grievance Officer's notes of meetings making any corrections to their own statements, if necessary (parent/guardian co-sign).

Upon completion of the investigation:

1. the Harassment Grievance Officer shall file a written report which shall include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact;
2. the Superintendent shall determine what action shall be taken, if
3. any; the action to be taken may include, but not be limited to:
 - a. an apology to the victim;
 - b. participation in a workshop in awareness of harassment;
 - c. detention;
 - d. researching and writing a paper on the topic of harassment;
 - e. counseling;

- f. suspension or expulsion -the procedure for suspension will follow the procedure set forth in the Student Handbook for serious offenses.
4. The action of the Superintendent shall be taken as soon as possible, following the submission of the Harassment Grievance Officer's report;
5. The investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.

The Superintendent shall:

1. notify the complainant and the respondent that a determination has been made; and, determine whether action need be taken.
2. if action is taken, the Superintendent shall notify the School Committee in the same manner as he/she would in other serious matters.

Safeguards:

1. Retaliation against the complainant or any witnesses shall not be tolerated. Confidentiality will be maintained to the best ability of the harassment investigator. The persons who need to know will be the only ones to be told the names of the parties.

If either the complainant or the respondent is dissatisfied with the results of the investigation of the harassment charge, he/she may discuss his/her dissatisfaction directly with the Superintendent.

At all times, the parties retain all rights under state and federal laws, and are free to avail themselves of those rights.

If an individual believes that he/she has been subjected to harassment, he/she she may file a formal complaint with either or both of the government agencies set forth below. Using the District's complaint process does not prohibit in individual from filing a complaint with those agencies. Each of the agencies has a short time period for filing a claim (BEOC- 180 days; MCAD - 6 months).

1. The United States Equal Employment Opportunity Commission (EEOC) 475 J.F.K. Federal Building, Government Center, Boston, MA 02203
2. The Massachusetts Commission Against Discrimination (MCAD) 436 Dwight Sired, Suite 220, Springfield, MA 01103

The Committee issues this policy to provide measures to fight harassment at a level below litigation; the Committee does not intend to usurp any rights guaranteed under state or federal laws.

Copies of this policy shall be given on an annual basis to each student and employee of the Committee - either as part of a handbook or by the normal route for disseminating important notices - and posted in conspicuous places: i.e., places where employees to explain the policy and sensitize students and employees to harassment.

Sources utilized in forming this policy include:

Who's Hurt and Who's Liable: Sexual Harassment in Massachusetts Schools,
Massachusetts Board of Education (1996)

Sexual Harassment: In the Schools: Preventing and Defend Against Claims, Gregory, Gwendolyn
H., Naomi Giltens, et al., Eds.
Revised Edition, NSBA Council of School Attorneys (1993).

Revised October 15, 2002