SEXUAL HARASSMENT - STUDENTS

General
It is the policy of the Brockton Public Schools to promote and maintain an educational environment that is free from any type of harassment, including inappropriate touching, sexual harassment and sexual assault. Cases of inappropriate sexualized behavior by children must be handled sensitively, professionally, and on an individual basis by all school staff. Sexual harassment is against the law and will not be tolerated by the Brockton Public Schools.

Sexual harassment is defined as repeated, unwanted, or un-welcomed verbalisms or behaviors of a sexist nature related to a person's sex or sexual orientation. In addition, sexual harassment includes un-welcomed sexual advances, sexualized touching, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) compliance to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s success as a student, (2) submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s educational performance or creating an intimidating, hostile or offensive educational environment.

While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of unsolicited conduct which may constitute sexual harassment depending upon the totality of the circumstances and the severity of the conduct. All school department staff members are expected to use professional judgment in determining the intent and/or severity of the reported behavior.

Examples of sexual harassment include, but are not limited to the following:
- offensive sexual flirtations, unwelcome sexual advances or propositions
- continued verbal abuse or innuendo of a sexual nature
- uninvited physical contact such as touching, hugging, patting or pinching
- verbal comments of a sexual nature in front of people who find them offensive
- making obscene gestures or suggestive or insulting sounds
- the demand of sexual favors accompanied by an implied or overt threat concerning an individual’s scholastic status or promise of preferential treatment
- leering or stalking
- indecent exposure
- assault or coerced sexual acts
- requests for sexual favors in exchange for actual or promised scholastic benefits

Complaint Officer:
Salvatore Terrasi, Ph.D., Executive Director for Pupil Personnel Services, is the complaint officer for students. Dr. Terrasi is vested with the authority and responsibility of processing all harassment complaints in accordance with the procedure outlined below. Dr. Terrasi’s office is located in the Crosby Administration Building at 43 Crescent Street, Brockton, MA 02401-4311, (508) 894-4266.
Process

1. A student who believes that he or she has been subjected to sexual harassment should immediately report the incident to any teacher, counselor or administrator as soon as possible.

2. The teacher, counselor or administrator will report the complaint in writing to the principal or building administrator, who will attempt to resolve the problem in expeditious manner. The following process suggests an outline of steps to be taken but does not necessarily indicate the chronological order of the sequence of action.

   a. The principal or building administrator will confer with the individual who feels he or she was subjected to harassment in order to obtain a clear understanding of that individual's statement of facts. After meeting with the complainant, the complainant shall put the complaint of harassment in writing.

   b. The parent(s)/guardian(s) of the students involved who are alleging harassment must be immediately contacted. Once the parent(s)/guardian(s) have been contacted (utilizing home, work or emergency telephone numbers, as needed), they are to be fully informed of the allegations and of the official notifications made thus far. They should be invited to come to school and should be further assured that a full investigation will be conducted. Questioning of the students involved should be postponed if parents request to be present while their children are questioned.

   c. The parent(s)/guardian(s) of the student accused of the harassment must also be immediately contacted. Request the parent(s)/guardian(s) to come to school and participate in the questioning of the child. Questioning of the students involved should be postponed if the parents request to be present while their children are questioned. The principal or building administrator will then meet with the alleged harasser in order to obtain his or her response to the complaint.

   d. The principal or building administrator may hold as many meetings with the parties as is necessary to gather facts.

   e. The principal or building administrator will meet with other individuals who may have pertinent information.

   f. The principal or building administrator will review any pertinent documents needed to complete the investigation.

The above is an outline of steps to be taken but does not necessarily indicate the chronological order of the sequence of action.

3. If the alleged perpetrator is a student, the principal shall immediately report the incident in writing to the Executive Director of Pupil Personnel Services and the Deputy Superintendent of Schools. The principal or building administrator may first contact the Executive Director of Pupil Personnel who also serves as the Sexual Harassment Complaint Officer by telephone for technical assistance in investigating the allegation.

4. If the alleged perpetrator is a staff member, the principal or building administrator shall immediately report the incident in writing to the Executive Director of Human Resources.
5. The investigation will proceed in an expeditious manner. Upon completion of the investigation, the principal or building administrator shall prepare a confidential report outlining the findings.

6. In the event that the alleged harasser is a student and if sexual harassment is found to have occurred, a disciplinary hearing will be held and appropriate action will be taken against the student according to the guidelines contained in the appropriate Disciplinary Manual.

7. In the event that the alleged harasser is a staff member, the principal or building administrator shall immediately report the incident in writing to the Executive Director of Human Resources. Where a school administrator or principal becomes aware of an allegation that a teacher or staff member is sexually harassing a student, a 51A should be filed with the Department of Social Services.

8. Depending upon the nature and severity of the behavior, certain cases of extreme sexual harassment by a student may result in a 51A being filed with the Department of Social Services.

9. If parents or students are not satisfied with the results of the investigation and the action taken, a formal complaint may be filed with the Office of Civil Rights of the Department of Education
   33 Arch St
   Suite 900
   Boston, MA 02110-1491
   Phone (617) 289-0111
   Fax: (617)-289-0150

10. The Brockton Public Schools announces that any retaliatory action of any kind taken by an employee against any student 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 illegal, and shall be regarded as a separate and distinct grievable matter under this procedure.

LEGAL REFS.: M.G.L. Chapter 151C