

Brockton Public Schools

School Committee Policy

SEXUAL HARASSMENT - STAFF

General

It is the policy of the Brockton Public Schools to promote and maintain a working environment that is free from harassment, including sexual harassment. Sexual harassment is against the law and will not be tolerated by the Brockton Public Schools.

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

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some samples of conduct that if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct. 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 employment 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 job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment

Complaint Officer

Dr. Kathleen Moran, Executive Director for Human Resources, is the complaint officer for staff. Dr. Moran is vested with the authority and responsibility of processing all harassment complaints in accordance with the procedure outlined below. Dr. Moran's office is located in the Crosby Administration Building at 43 Crescent Street, Brockton, MA 02301, (508) 580-7535.

Process

1. Any staff member who believes that he or she has been subjected to sexual harassment will report the incidents to the appropriate complaint officer as soon as possible.
2. The complaint officer will attempt to resolve the problem in a formal and expeditious manner through the following process:

- The complaint officer 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 or the complaint officer shall put the complaint of harassment in writing. In the event that the complaint officer puts the complaint in writing, the complainant will review the written complaint for its accuracy and sign and date it. In the event that the complainant does not feel comfortable making the complaint as outlined above, he/she is free to file the complaint with any administrator above him/her on the organizational chart. That administrator will then coordinate the processing of the complaint with the complaint officer.
- The complaint officer will then meet with the alleged harasser in order to obtain his or her response to the complaint.
- The complaint officer may hold as many meetings with the parties as is necessary to gather facts.
- The complaint officer will meet with other individuals who may have pertinent information. The complaint officer will review any pertinent documents.

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

3. The investigation will be processed in an expeditious manner. Upon completion of the investigation, the complaint officer shall prepare a report outlining the findings, and shall meet with the Superintendent of Schools to discuss the findings. If sexual harassment is found to have occurred, the Superintendent shall determine appropriate disciplinary action. The disciplinary action may include: an oral warning or reprimand, a written warning or reprimand to be placed in the personnel file, suspension, demotion, termination, or a combination of the above. The report of the investigation and all documentation shall be kept in the complaint officer's confidential files.
4. The complaint officer will write a summary of the investigation and the disciplinary action decided upon by the Superintendent of Schools. Both the complainant and the harasser shall receive the summary. If a complaint is substantiated, the summary shall be placed in the personnel file of the harasser.
5. In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with other agencies, including:

Equal Employment Opportunity Commission, 10 Congress Street - 10th Floor, Boston, MA 02114, (617) 565-3200; or the Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, (617) 727-3990.

Each of these agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

The Brockton Public Schools announces that any retaliatory action of any kind taken by an employee against any other employee 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 151 B
Title VII, Section 703, Civil Rights Act of 1964 as amended 45
Education Amendments of 1972, 20 U.S.C.1681 et seq. (Title IX)