

SEXUAL HARASSMENT POLICY/STUDENTS MOHAWK TRAIL REGIONAL SCHOOL DISTRICT

STATEMENT OF POLICY

It is the goal of the Mohawk Trail Regional School District (“the district”) to promote an educational and working environment that is free from sexual harassment. Sexual harassment can interfere with a student’s academic performance and emotional and physical well-being. Sexual harassment of a student or employee is illegal, as is any retaliation against a student or employee who has complained about sexual harassment, or against anyone who has cooperated with the investigation of a sexual harassment complaint. The policy of the District will be to oppose and prohibit unlawful harassment based on sex, sexual orientation, or marital status.

The District has responsibility to investigate all complaints, verbal or written, of sexual harassment, and to discipline or take appropriate action against any member of the school community who is found to have violated this policy.

If a student believes an incident to have constituted sexual assault, the complainant/the district will report it to the police and it will be prosecuted as a crime. Likewise, any incident of alleged or suspected sexual abuse of a student will be reported immediately to the appropriate state agencies.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is a form of sex discrimination prohibited under Title IX of the Equal Amendments of 1972 and Massachusetts General Laws, Chapter 151C. Sexual Harassment as it relates to student-to-student interaction is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Sexual harassment is defined for adult-student interaction as any sexual advances, requests for sexual favors and other verbal, visual or physical contact of a sexual nature. Sexual harassment is also defined as conduct of a sexual nature which affects an individual’s employment, academic status or progress, or which creates a work or educational environment that is intimidating, hostile, or offensive.

This sexual harassment policy applies to harassment of students by students, students by staff, or staff by students. It applies to both males and females, and applies whether the harassment is between people of the same or different gender. Sexual harassment may also include harassment regarding a person’s sexual orientation.

Sexual harassment can include, but is not limited to:

Verbal Conduct

- 1) Unwanted sexual or lewd comments; sexual epithets, jokes; written or oral references to sexual conduct; spreading rumors regarding an individual's sex life; comments or inquires regarding an individual's sexual activity, deficiencies or prowess; unwanted pressure for sexual favors or dates; calling attention to another's gender or sexuality in a negative or embarrassing way;
- 2) Offensive sounds such as whistling or making kissing sounds;
- 3) Displaying sexually suggestive objects, pictures, cartoons;

Insulting language not of a sexual nature may be dealt with in a separate disciplinary procedure.

Physical Conduct

- 1) Suggestive looks or leering;
- 2) Restraining someone's movement in a sexual way, following a person, laughing at a person who is being harassed;
- 3) Any unwelcome physical touching.

PROCEDURE FOR DEALING WITH SEXUAL HARASSMENT COMPLAINTS

The district will take an assertive and active role in protecting its staff and students from sexual harassment. A person who believes he or she is being harassed sexually is encouraged to identify the behavior as offensive and request that the harasser stop the behavior. If this is not possible or the offensive behavior does not stop, then staff and students should immediately report such instances in accordance with the following procedure.

Reporting

- 1) Any person who feels he/she has been sexually harassed by a student or staff member, or has knowledge or belief of conduct which has occurred that might be sexual harassment, should speak to or send a note to any school personnel that s/he trust (i.e. teacher, nurse, counselor, coach, principal, or assistant principal) or should tell his/her parents who should then notify school personnel. The procedure begins when school personnel have been notified. It is the obligation of school personnel to report allegations of conduct which could be sexual harassment.
- 2) School personnel shall be responsible for documenting the complaint in written form and providing a copy to the school principal within one working day. (The complainant may, but is not required to, file his/her own written complaint.) The school principal or superintendent's designee will serve as the Title IX Investigator for handling all sexual harassment complaints. If the principal is the subject of the complaint, the district

superintendent is authorized to handle all aspects of the complaint, including receiving the written complaint form.

Investigation

3) The Investigator shall conduct an investigation of the complaint, including conferring at least once with the student or staff who claims to have been harassed and at least once with the person charged in order to obtain his/her response to the complaint. Each student may bring a peer advisor or parent to any such meeting. The Investigator will also interview significant witnesses to the alleged harassment.

Consequences

4) Where the Investigator determines that there has been a violation of this policy, he/she may:

- a) attempt to solve the matter informally through having the harasser and victim, if willing, sit down with a third party. Informal resolution may be appropriate for non-physical, student-to-student interactions.
- b) take disciplinary action. This will include a written warning that such behavior must cease, and may also include, as appropriate:
 - verbal/written reprimands
 - a letter/meeting with parents
 - suspension/expulsion from school
 - transfer, suspension, termination of employment
 - referral to the Massachusetts Commission Against Discrimination, or other appropriate state or federal law enforcement or other agencies.

5) If, after investigation, the Investigator determines that the sexual harassment has occurred, he/she will notify the parties, including parents/guardians, by certified mail, of his/her finding and action(s) taken.

6) If the determination is that there was not a violation of this policy, the matter will be closed. The Investigator will notify the complainant and alleged harasser that the matter has been closed.

Appeal

If any party does not agree with the decision, it may be appealed to the superintendent within ten days of notification. The superintendent may designate an individual to investigate the complaint.

CONFIDENTIALITY

Any report of sexual harassment will be kept confidential to the extent permitted by law, involving as few people as possible. The goal will be to conduct a thorough and fair investigation, while protecting the privacy of all parties involved, to the extent feasible. If harassment is found, the goal is to stop the behavior. Where more effective remediation may require the use of name(s), disclosure will be limited to those with an immediate need to know.

RETALIATION

It is unlawful to retaliate in any form against any person who has filed a complaint for sexual harassment or who has cooperated in an investigation of a complaint. If retaliation occurs, it can be considered grounds for suspension and exclusion from school of a student, dismissal of staff, and/or further disciplinary action.

FALSE REPORTS/ACCUSATIONS

Because of the serious and private nature of this offense, false accusations of harassment will be treated as disciplinary offenses and will result in the same level of punishment as that applied to harassment behavior. A false accusation is one made in bad faith, not a complaint that could not be corroborated or which did not rise to the level of unlawful harassment.

STATE AND FEDERAL AGENCIES

Students and employees may contact these anti-discrimination enforcement agencies:

Massachusetts Commission Against Discrimination

436 Dwight Street, Suite 220	or	One Ashburton Place
Springfield, MA 01103		Boston, MA 02108
Tel. (413) 739-2145		Tel. (617) 727-3990

U.S., Dept. of Education/Office of Civil Rights

John W. McCormack Post Office and Courthouse, Room 222
Post Office Square, Boston, MA 02109

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Mohawk Trail Regional School District Committee

MOHAWK REGIONAL SCHOOL DISTRICT
Sexual Harassment Report Form

Complainant _____
Person filing report
(if different from complainant) _____

Home Address _____

Phone: Home _____ Work _____

DESCRIPTION: ATTACH OTHER PAGES AS NECESSARY

Date of Alleged Incident(s) _____

Name of Person(s) charged with harassment _____

List any witnesses present _____

When and where did the incident(s) occur? _____

Describe the harassment. If verbal, please be as specific as possible in quoting the words.

What was your response to the alleged harassment? Did you identify the behavior as offensive and ask the harasser to stop? (encouraged, but not required)

Who have you contacted regarding this case?

Name _____ Name _____

Position _____ Position _____

Date _____ Date _____

This complaint is filed on my honest belief that an incident(s) of sexual harassment has occurred. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge.

Complainant Signature _____ Date _____

Received

by: _____ Position _____ Date _____

A copy of this form shall be provided to the complainant

