

**File: ACAB****SEXUAL HARASSMENT AND ASSAULT**

All persons associated with the Sharon Public Schools including, but not necessarily limited to, the School Committee members, the administration, staff, and 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.

Any retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint, is also in violation of this policy.

The Sharon School Committee takes allegations of sexual harassment seriously. Complaints of sexual harassment will be acted upon promptly in order to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Such complaints may be raised against other students, employees or third parties.

This policy is not intended to limit any authority of the School Committee or administrators of the Sharon Public Schools to discipline or take remedial action for workplace or school conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**Definition of Sexual Harassment:** Sexual Harassment is behavior that is sexual in nature and can be described as harmful, annoying, bothersome, or physically and/or emotionally injurious and herein includes sexual assault and violence.

Sexual harassment is defined by the victim, and covers a range of behaviors, including but not limited to sexual insults and name calling, gossip, jokes, intimidation by words or actions, offensive touching, and pressure for sexual activity. Sexual harassment can be subtle and ambiguous, or direct and overt. Both males and females may be victims of sexual harassment. Sexual harassment may occur:

- between students of either gender
- between staff members of either gender
- between staff member(s) and student(s) of either gender
- between staff member(s) and parent(s) of either gender

Sexual Harassment is further defined as any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or education or creating an intimidating, hostile, or offensive working or educational environment.

#### Grievance Officer

The School Committee will annually appoint a sexual harassment grievance officer who has been trained on what constitutes sexual harassment and will be vested with the authority and responsibility of processing all sexual harassment complaints. The district will widely publish the name of the Grievance Officer and where complaints should be filed on its Web sites, in its written publications of wide dissemination and in the schools themselves.

Mrs. Elizabeth Murphy, Assistant Superintendent for Curriculum & Administration, District Office, 75 Mountain Street, Sharon, MA 02067; 781-784-1570, ext.

1, [e\\_murphy@sharon.k12.ma.us](mailto:e_murphy@sharon.k12.ma.us).

#### Complaint Procedure:

1. Any member of the school community who believes that he/she has been the victim of sexual harassment shall report the incident(s) to the grievance officer. All complaints shall be investigated promptly and resolved equitably and promptly. In addition, the district must promptly investigate if it knows or reasonably should have known about possible harassment. The school will also notify a complainant of the right to file a criminal complaint. All reasonable efforts will be made to conduct interviews by staff member(s) of the same gender.
2. The grievance officer will attempt to resolve the complaint in a prompt and equitable manner through the following process:
  1. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts.
  2. The grievance officer will attempt to meet with the charged party in order to obtain his/her response to the complaint.
  3. The grievance officer may interview any witnesses.
  4. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
  5. On the basis of the grievance officer's perception of the situation he/she may attempt to resolve matters of sexual harassment informally, provided that the complainant is notified of his/her right to end the informal process at any time and begin the formal stage of the complaint process. Further, no complainant will be required to work out the problem directly with the alleged perpetrators. In the event that a complainant agrees to resolving the matter informally, the participation of a trained counselor, trained mediator or if appropriate a teacher or administrator is required. The grievance officer may also report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
  6. The grievance officer will ensure that mediation is not to be used to resolve sexual assault complaints.

7. During this stage of the proceedings, the parties may present witnesses and other evidence, and may also be represented. During the hearing, the alleged perpetrator is not allowed to question the alleged victim directly.
8. The grievance officer, if appropriate will provide the charging party with referrals to government agencies that handle sexual harassment matters and determine if law enforcement or other authorities should be notified.
9. The Grievance Officer will make a decision based on the preponderance of the evidence and may impose any sanction(s) deemed appropriate, including termination of employment or expulsion from school. The parties, to the extent permissible by law, shall be informed concurrently and in writing of the disposition of the complaint. The resolution will occur in a prompt and equitable manner. While some matters may be resolved sooner, matters should be concluded within 60 calendar days of the district's receipt of the complaint, or being aware of the circumstances giving rise to the investigation.
3. Confidentiality: All matters involving sexual harassment and assault complaints will remain confidential to the extent possible. The complainant will be informed if the district cannot ensure confidentiality. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. The district may disclose to the harassed or assaulted student information about the sanction imposed upon a student who was found to engage in harassment when the sanction directly relates to the harassed or assaulted student. However, the district may not be able disclose any information about sanctions that do not relate to the harassed or assaulted student.
4. Appeals: The decision of the Grievance Officer can be appealed to the Superintendent.

Legal Refs.: Title VII, Section 703, Civil Rights Act of 1964 as amended Federal Regulation 74676 issued by EEO Commission

Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX) Board of Education 603 CMR 26:00

U.S Department of Education OCR Revised Sexual Harassment Guidance 2001

U.S. Department of Education OCR Dear Colleague Letter dated April 4, 2011

Cross Refs.: AC, Nondiscrimination

ACA, Nondiscrimination on the Basis of Gender

Revised: March 26, 2014

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