

## SEXUAL HARASSMENT POLICY

Sexual harassment, in all its forms, is not tolerated in the Fall River Public Schools. It is the policy of the Fall River School Department that no School Department employee who has engaged in sexual harassment or sexual abuse of a child shall be allowed to resign in exchange for a "neutral, dates only" job reference.

It is the policy of the Fall River School Department that in the case of any School Department employee who is discharged for cause related to sexual harassment and/or sexual abuse of a child, that the Superintendent transfer notice of such discharge for cause to the appropriate state credential file for such employee, so that there will be a record of such employee's discharge and the grounds for discharge. Copies of this notice shall be provided by the superintendent to the School Committee immediately.

It is the policy of the Fall River School Department that in the case of any School Department employee who is convicted of criminal charges related to child sexual abuse, that the Superintendent transfer notice of such conviction to the appropriate state credential file for such employee so that there will be a record of such employee's grounds for discharge.

The Fall River School Committee hereby directs its employees, agents, and attorney not to enter into any agreement or arrangement whereby a School Department employee who is suspected of sexual harassment and/or sexual abuse of a child is allowed to resign in exchange for a "neutral dates-only" job reference.

For purpose of this policy, "sexual harassment" shall be defined as:

Any sexual comments, behaviors, or actions which are unwanted, offensive or intimidating to others. Such behaviors may include verbal comments, subtle pressure for sexual activity, pinching, patting and other forms of unwanted touching, as well as more severe manifestations such as assault, rape or attempted rape. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature constitute harassment 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 an employment decision affecting such an individual; or (3) Such conduct which comes within the definition of unlawful sexual intercourse, attempted rape, open and gross lewdness and lascivious behavior, indecent exposure, and such other proscribed sexually related conduct as these terms are used in the Massachusetts General Laws, Chapter 272, and cases decided pursuant thereto.

### **Procedures for Dealing with Sexual Harassment (Student to Student):**

1. Each school will designate one or more persons to be the mediator(s) for all such complaints. The identities of these individuals should be disseminated to all students. These mediators will be principals, vice principals, counselors or others who have received training in this area.
2. All students' complaints regarding sexual harassment should be referred to an appropriate mediator who will then inform the building principal before proceeding. The student making such a complaint has the option of including any other person in addition to the mediator at his/her discretion.
3. Informal Resolution: On the first complaint the mediator will assist the victim in communicating to the harasser, in writing or verbally, a description of the harassing behaviors, how the behavior made, the victim feel, noting any consequences to school performance, and a request to stop the

harassment. The mediator will be present when such communication is made and should record the date, time and substance of said communication for later reference. If the victim chooses, the communication to the harasser may be made by the mediator alone. Care should be taken not to place the total onus for this communication on the victim, In either instance the mediator must inform the alleged harasser of the disciplinary consequences should the harassment not cease or if any retaliation follows the communication.

NOTE: When sexual harassment is more than verbal, involving serious sexual behavior, an informal resolution is not desirable. In such cases, after consultation with the principal, a referral should be made for a formal investigation.

4. Formal Investigation: According to prior experience, in most cases an informal resolution will resolve harassment. However, when the victim brings a second complaint, a more formal investigation will be made by the principal or his/her designee (vice-principal) to determine if disciplinary action is now warranted. This investigation, in which witnesses and additional evidence is gathered, should be conducted while maintaining confidentiality and without violating the due process rights of the accused.
5. **If** the principal or designee finds sufficient cause, the harasser may be suspended from school as outlined in the School Discipline Code. The appropriate suspension forms should be completed and forwarded to the student/parent, with a copy to the Student Services office. In addition, a separate file of all records related to the resolution of a sexual harassment dispute should be kept in the principal's office.

PLEASE NOTE: If at any time during this process a mediator or school official is made aware of behavior which may constitute a criminal offense, he/she is obliged by law to report such actions to the legal authorities as described in the discipline code.

In addition, any behaviors observed by any school official which detract from the good order of the school or inhibit the educational process may lead directly to disciplinary action as already outlined in the discipline code.

### **Procedures for Dealing with Sexual Harassment (Adult to Student, Adult to Adult, Student to Adult)**

All complaints of sexual harassment involving adults must be reported to the building principal (or in locations where there is not principal, the immediate supervisor). For the location of individual school buildings, and the work telephone numbers of individual principals and/or supervisors, persons making a complaint may contact the Office of the Superintendent of Schools, 417 Rock St. Fall River, MA. Telephone number: 675-8443.

### **Informal Resolution:**

1. In cases where alleged harassment is of a verbal nature and clearly not suggestive or criminal activity or sexual abuse, the principal or his/her designee will call in the alleged harasser, communicate the complaint, and seek an informal resolution. The date, time, and substance of this meeting will be recorded.
2. When an informal resolution does not resolve the complaint, the principal will notify the superintendent of schools who will make a decision regarding additional action to be taken.

**Formal Action:**

1. When a sexual harassment complaint suggests a criminal offense or sexual abuse, a report must be filed with the appropriate legal authorities for an independent investigation. In cases involving adult to student sexual behavior, the principal must file a 51A with the Department of Social Services.
2. After such a report has been filed, the principal will immediately notify the superintendent of schools who will make a decision regarding any interim action while the independent investigation is taking place.
3. Upon completion of the independent investigation, the superintendent will take any additional action deemed necessary based upon the ultimate findings of such investigation. Such action could include (but not be limited to) an oral or written reprimand, a suspension, or in severe cases, termination.

**Mandatory Reporting:**

According to the Massachusetts General Law: Chapter 119-Section 51 A, school department employees are mandated to report all cases of physical or sexual abuse of any child under the age of eighteen to the Department of Social Services should an investigation reveal reasonable cause to so do.

**Note:**

The following state and federal agencies may also provide assistance in matters pertaining to sexual harassment. Phone numbers are included for your convenience:

Commonwealth of Massachusetts  
Commission against Discrimination  
1 Ashburton Place  
Boston, Mass. (617) 727-3990

U.S. Equal Employment Opportunity Commission  
Washington, DC 20507  
(202) 663-4447

**Grievance Officer: Thomas Coogan, Executive Director of Human Resources, 417 Rock Street, Fall River, MA** The sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with established procedures