

## **Sexual Harassment Policy**

It is the policy of the Burlington Public Schools to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve the goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and there follows a procedure by which inappropriate conduct will be dealt with if encountered by employees.

Because the Burlington Public Schools takes allegations of sexual harassment seriously, the School Department will respond promptly to complaints of sexual harassment, and where it is determined that such inappropriate conduct has occurred, the School Department will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the Burlington Public Schools authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfied the definition of sexual harassment.

### **Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is this:

“sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions,

or

- (b) such advances, requests, or conduct have the purpose or effect of unreasonable interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, the following conduct would constitute sexual harassment:

- unwelcome sexual advances – whether they involve physical touching or not;

- direct or implied requests for sexual favors in exchange for actual or promised job benefits such as favorable performance reviews, salary increases, promotions, increased benefits, or continued employment; and
- assault or coerced sexual acts.

The legal definition of sexual harassment is broad, and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstance that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- displaying sexually suggestive objects, pictures, cartoons
- unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- inquiries into one's sexual experience, and
- discussion of one's sexual activities

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

### **Complaints of Sexual Harassment**

If any employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the school department. This may be done in writing or orally. Complaints of sexual harassment should be referred to either one's immediate supervisor, the school principal, or one of two central office facilitators appointed annually. These persons and/or their designees are also available to discuss any concerns you may have and to provide information to you about the policy on sexual harassment and the complaint process.

### **Sexual Harassment Investigation**

When a complaint is received, the allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. It will also include an interview with the person alleged to have committed sexual harassment. The person alleged to have committed the conduct will, to the extent appropriate, be informed of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Burlington Public Schools will act promptly to eliminate the offending conduct and, where it is appropriate, will also impose disciplinary action.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by an employee, the Burlington Public Schools will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

### **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using the School Department's complaint process does not prohibit you from filing a complaint with these agencies.

The United States Equal Employment Opportunity Commission (EEOC)  
10 Congress Street – 10<sup>th</sup> Floor  
Boston, MA 02203  
617 565-3200

The Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, Room 601  
Boston, MA 02108  
617 727-3990

Adopted by the Burlington School Committee: January 28, 1997

***Burlington Public Schools***

## **Procedure Dealing with Sexual Harassment**

1. By law, the victim defines sexual harassment. What one person views as sexual harassment, however, may be considered acceptable behavior by another. Although it is not required, in order to protect the rights of both parties, the victim is encouraged to resolve the matter by making it clear to the accused that the behavior is bothering him/her.
2. Complaints of sexual harassment should be referred to either one's immediate supervisor, the school principal, or one of two Central Office facilitators who are Assistant Superintendent Patrick Larkin 781 270-1804 or Human Resources Director Joanne Faust 781 270-1774.
3. The administrator hearing the complaint will attempt to have the victim and accused talk things over in his/her presence.
4. If the victim does not agree to meet with the accused, the victim will write an account of the incident, including an exact description of the behavior and when and where it occurred. The information will be signed and dated by the victim and will be delivered to the accused by the administrator. The accused will be afforded an opportunity to answer the allegations in writing. The administration will then meet with the accused to discuss his/her behavior in relation to the victim.
5. If the victim is not willing to reveal his/her identity, the administrator will inform the accused that a complaint has been filed while honoring the request for anonymity. The accused, however, will be informed of the details of the allegations and where and when it occurred.
6. If the alleged harassment continues after the administrator has discussed the incident(s) with the alleged harasser, the administrator will initiate a formal investigation which must include informing the accused of the identity of the accuser. If the accusation is determined to be justified by the administrator, it will be reported to the Superintendent and, if he concurs, appropriate disciplinary action will follow which could include required counseling or discipline.
7. Retaliation in any form against any person who has filed a complaint is forbidden. If it occurs, it could be considered grounds for dismissal.
8. Reports of sexual harassment will be kept completely confidential, involving as few people as possible, with the goal of protecting both parties and stopping the behavior.

***Adopted by the Burlington School Committee: January 28, 1997***

# Burlington Public Schools

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## **Sexual Harassment Policy**

### **Employee Confirmation Receipt**

I acknowledge that I was provided a copy of the Burlington Public Schools Sexual Harassment Policy as adopted by the Burlington School Committee on January 28, 1997 and that I have read and understand it.

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Employee's Name

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Employee's Signature

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Date