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Policy 316: Harassment

Adopted 6/16/93

Amended 5/4/94

Revised 4/2/97

Revised 3/28/18

Statement

Shrewsbury Public Schools strives to meet the intellectual, emotional, cultural, physical and social needs of the entire school community. Students are encouraged to develop to their maximum potential and to demonstrate critical thinking and content mastery, leadership, global citizenship and engagement, innovation, resilience and focus, collaboration and communication. Faculty and staff work together in a professional environment to help students fulfill these goals. We strive to create and maintain a work environment in which people are treated according to our core values of respect and responsibility, collaboration and communication, commitment to high standards and expectations, and equity.

It is the goal of Shrewsbury Public Schools to promote a workplace that is free of sexual and other forms of harassment. Harassment of employees occurring in the workplace or other settings in which employees may find themselves in connection with their employment (including interaction with contractors and third party vendors) is unlawful and will not be tolerated by this organization. Harassment which occurs on social media, in emails, or in texts, which may be seen by colleagues or other members of our school community, is included in this policy. (Please refer to School Committee policy #312 for more information.)

Further, any retaliation against an individual who has complained about harassment, asserted or advocated for protected rights, or any retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual and other forms of harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because Shrewsbury Public Schools takes allegations of sexual or other forms of harassment seriously, administration will respond promptly to complaints of harassment and where it is

determined that such inappropriate conduct has occurred, administration will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Based upon the seriousness of the offense, corrective and disciplinary action could include training or retraining, verbal counseling, written warning, paid or unpaid suspension, and/or termination of employment.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual and other forms of harassment, this policy is not designed or intended to limit the school district's authority to investigate, discipline, or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of 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:

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

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct (including harassment based upon gender stereotypes, perceived gender roles, or one's gender identity), 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 workers may also constitute sexual harassment. Harassers and the targets of harassment need not be of opposite genders. It is possible that the harasser and the harassment target belong to the same protected group or are of the same gender.

While it is not possible to list all those additional circumstances 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:

- Unwelcome sexual advances -- whether they involve physical touching or not

- 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, images, cartoons, videos, or other media
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences, 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, asserted or advocated for protected rights, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Other Forms of Harassment

Employees are also protected from harassment on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, disability, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status.

While it is not possible to list all those additional circumstances that may constitute other forms of harassment or discrimination, the following are some examples of conduct which may constitute harassment or discrimination. It is also possible that the harasser and the harassment target belong to the same protected group or are of the same gender. Examples include:

- Epithets, jokes, and/or demeaning references, whether written or oral, to one's race, color, religion, national origin, ancestry, sex, gender identity, perceived gender roles or stereotypes, disability, participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status
- Displaying offensive objects, images, cartoons, videos, or other media
- Asking if or implying that someone would belong to a particular organization or take specific actions based on their perceived ancestry, religion, or national origin
- Making jokes about the pronunciation of someone's name
- Comments on an individual's body of a derogatory nature

All employees should take special note that, as stated above, retaliation against an individual who has complained about harassment, asserted or advocated for protected rights, and retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and will not be tolerated by Shrewsbury Public Schools.

Complaints of Sexual and other Forms of Harassment

If any employee believes that he or she has been subjected to harassment, the employee has the right to file a complaint with Shrewsbury Public Schools. This may be done in writing or verbally. It is the goal of Shrewsbury Public Schools to promote a workplace that is free of sexual and other forms of harassment, and even if an employee believes that they *may* have a concern, he or she is encouraged to report it.

If you would like to file a complaint you may do so by contacting the Director of Human Resources:

(Current HR Director's info shall be listed here.)

Complaints may also be filed with any School Principal, any Assistant Principal, or any Assistant Superintendent for Shrewsbury Schools, or with the Superintendent of Schools.

These individuals are also available to discuss any concerns you may have and to provide information to you about this policy and our complaint process.

Harassment Investigation

When a complaint of harassment (sexual or other forms) is received, an administrator will promptly investigate the allegation 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 an interview with the person filing the complaint and with witnesses. The person alleged to have committed harassment will also be interviewed. The investigation will include review of the alleged harasser's employment file and applicable policies. When the investigation is complete, the investigator will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the school district will act promptly to eliminate the offending conduct, and where it is appropriate the school district will also impose disciplinary action, as described above.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to any form of harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit or prevent you from filing a complaint with these agencies at any time. Each of the agencies has a short time period for filing a claim (EEOC-300 days; MCAD-300 days).

The United States Equal Employment Opportunity Commission ("EEOC")

<https://www.eeoc.gov/field/boston/index.cfm>

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203

Phone Number: 1-800-669-4000

The Massachusetts Commission Against Discrimination (“MCAD”)
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

1 Ashburton Place
Suite 601
Boston, MA 02108

Phone Number: 1-617-994-6000

This policy will be reviewed within five years of adoption.