

Martha's Vineyard Public Schools Sexual Harassment Policy

I. Introduction

The purpose of this document is to set forth a general policy of the Martha's Vineyard Public School system regarding Sexual Harassment. This policy should serve as a guide for students, parents, faculty, administrators, school committee and school advisory council members when dealing with this issue. It is not, however, intended to serve as an absolute requirement in every case, or is it designed to substitute for applicable legal requirements or obligations arising under collective bargaining agreements. Moreover, no set of policies can or should replace trust, common sense, goodwill, and the judgment of reasonable people.

II. General Principles and Policy

- A. An overall goal is to provide a safe and secure environment for all students, employees, school committee and school council members in the Martha's Vineyard Schools.
- B. Martha's Vineyard Public School (M.V.P.S.) students, school committee and school council members, parents, faculty and staff should be sensitive to, and educated about, the nature of sexual harassment.
- C. M.V.P.S. students, faculty, staff, school committee and school council members should be protected from any form of sexual harassment.
- D. All M.V.P.S. committee and council members, students, faculty and staff are expected to be able to recognize signs and symptoms of sexual harassment, and to take responsibility for dealing with any such incidents either on campus or at any campus or at any off-campus, school-sponsored function. Parents are also expected to notify the Principal of their child's school, or the Superintendent of Schools, if they have reasonable cause to believe that an incident of sexual harassment may have occurred. A male and female staff member will be designated and trained as sexual harassment counselor/advocates in each building.

III. Procedures for Dealing with Sexual Harassment

A. Definition

Sexual harassment is a form of illegal sex discrimination which consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of an individual's

employment or academic status;

2. Submission to or rejection of such conduct is used as the basis for employment or education decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work/study environment.
4. Forms of sexual harassment include, but are not limited to the following examples;
 - a. Verbal harassment, such as derogatory comments, jokes, or slurs;
 - b. Physical harassment, such as unnecessary or offensive touching, or impeding or blocking movement; and
 - c. Visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures.

B. Dimensions of Sexual Harassment

National surveys have determined that sexual harassment is prevalent in the workplace and in schools. Such surveys have indicated that students may experience it at the hands of other students, and occasionally staff; staff members from other staff members, administrators, school committee or school council members. This statement in no way is to be construed as an admission of incidents of sexual harassment within the Martha's Vineyard School Superintendency Union or the Martha's Vineyard Regional High School District.

C. Legal Aspects

The Courts have decreed that sexual harassment is a violation of TITLE VII of the Civil Rights Act of 1964, which protects students, employees, committee and council members in a school, and TITLE IX of the 1964 Civil Rights Act, which prohibits sex discrimination. Sexual harassment is a form of sex discrimination, which also prohibited by M.G.L. c. 151B.

D. Procedures

These procedures will apply to students and adults.

There are two procedures outlined below for dealing with possible incidents of sexual harassment. It is our hope that, with increased staff, student, committee and council member awareness about sexual

harassment, the informal procedure can be utilized in most situations. In more serious cases, either the accused or the accuser may wish to by-pass the informal procedure and go directly to the formal procedure. The TITLE IX/Chapter 622 Coordinator(s) will be consulted as a resource on sexual harassment prior to or during the formal or informal proceedings. The Title IX Coordinator is Dr. Richard M. Smith, Office of the Superintendent, 4 Pine St. Vineyard Haven, MA 02568, 508.693.2007

1. Informal Procedures

It may be possible to resolve a situation through a conversation between the accuser and the accused. The accused, especially if she or he is a student, may want the counsel of an adult and should, therefore, be encouraged to seek out and consult with one of the designated staff members trained to deal with sexual harassment. Through this conversation, the accused may acknowledge that his or her action or words were inappropriate or objectionable; or the accused may understand that he or she misconstrued the situation. If the accuser, accused or designated staff member, if one is involved, feel that a resolution has been achieved then the conversation may remain confidential and no further action will be taken.

2. Formal Procedures

If the complainant, alleged harasser, and/or the designated staff member (if one is involved), feel that the informal procedure is inadequate, any such person may report the incident to the Building Principal, Department Head, Superintendent or school committee chairperson for investigation as outlined below. As noted above, a complainant may bypass the informal procedure and proceed with his/her complaint directly to the Building Principal, Department Head, Superintendent or school committee chairperson for investigation as outlined below. As noted above, a complainant may bypass the informal procedure and proceed with his/her complaint directly to the Building Principal, Department Head, Superintendent or chairperson under the formal procedure set forth below. Any complaint of sexual harassment should be in writing. Said complaint will be kept confidential and held in the office of the Building Principal, Department Head, Superintendent or chairperson while the investigation is in process.

- a. Any complaint of sexual harassment should detail the facts and circumstances of the alleged incident.

- b. Where a student under the age of eighteen (18) is involved, either as a complainant or alleged harasser, the parent(s) and/or legal guardian of said student shall be notified immediately.
- c. Where the complainant is a student, the complaint shall be brought to the attention of the Building Principal. If the Building Principal is the alleged harasser or otherwise involved in the complaint, the complaint shall instead be brought to the attention of the Superintendent. The Building Principal, the Superintendent or his/her designee, or other appropriate individual as specified in paragraph “f” below, shall conduct an investigation of the allegations of sexual harassment within ten days of the filing of the complaint. Said investigation may include the assistance of the Title IX/Chapter 622 Coordinator, and/or the Superintendent, as well as other necessary individuals, including but not limited to, named witnesses, the alleged harasser, the complainant, and the parents(s) or guardian where a student under the age of eighteen(18) is involved.
- d. If the complainant is other than a student, the complaint shall be brought to the attention of the Building Principal or where the employee is assigned other than to a specific school building, the appropriate Department Head or Administrator. Where the Building Principal, Department Head or Administrator is the alleged harasser or otherwise involved in the complaint, the complaint shall instead be brought to the attention of the Superintendent. The Building Principal, Department Head, Administrator, Superintendent or his/her designee, or other appropriate individual as specified in paragraph “f” below, shall conduct an investigation of the allegations of sexual harassment within ten days of the filing of the complaint. Said investigation may include the assistance of the Title IX/Chapter 622 Coordinator, and/or the Superintendent, as well as other necessary individuals, including but not limited to, named witnesses, the alleged harasser, and the complainant.
- e. Where the Superintendent is the alleged harasser or otherwise involved in the complaint, the complaint shall be brought to the attention of the school committee chairperson. Where a school council or school committee member is the alleged harasser or otherwise involved in the complaint, the complaint shall be brought to the attention of the school committee, which body shall conduct an investigation and determine what remedial

disciplinary action is necessary in a manner consistent with the procedures outlined in section “f” below.

- f. Following the investigation, the Building Principal, Department Head, Administrator, Superintendent and/or the Title IX/Chapter 622 Coordinator, school committee chairperson, and/or his/her designee, shall decide what, if any remedial action is necessary. In the case of a student, such remedial action may include disciplinary action consistent with school policy and state law and regulations. In the case of a non-student or an employee, the Building Principal, Department Head, Administrator or chairperson will refer the matter to the Superintendent for further action; or to the school committee chairperson will refer the matter to the Superintendent for further action; or to the school committee chairperson if the Superintendent is involved in the complaint. Any resulting disciplinary action will be consistent with applicable collective bargaining agreements of individual contracts.
- g. The Principal/Administrator/Superintendent/chairperson will prepare a confidential report of the investigation that will be maintained in appropriate school department files.
- h. If appropriate, the Principal/Administrator/Superintendent or chairperson will notify the Department of Social Services and determine, with D.S.S., if the incident falls under *M.G.S. Chapter 119, Section 51A*.

The Principal/Administrator/Superintendent/chairperson will also seek guidance from D.S.S. as to what further action is necessary.

The procedures described herein will be evaluated at the end of each academic year.