

SEXUAL HARASSMENT

All persons associated with the Nantucket Public Schools including, but not necessarily limited to, the School Committee, 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. Further, 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 similarly unlawful and will not be tolerated.

Because the NPS School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we 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 our goals of promoting a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment:

Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment 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 affecting such individual.
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Scope/Criteria

By definition, sexual harassment is not limited to prohibited conduct by a male toward a female, by a supervisory employee toward a non-supervisory employee, by a teacher or other school employee toward a student, by a student toward a teacher or other school employee, or by a student to another student. The following considerations should be noted:

- A male as well as a female may be the victim of sexual harassment, and a female as well as a male may be the harasser.
- The harasser does not have to be the victim's supervisor. He/she may also be an agent of the employer, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or in some circumstances, even a non-employee (student, parent).
- The victim may be the same or opposite sex as the harasser.
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may, depending on the circumstances, also be someone who is affected by such conduct when it is directed toward another person. For example, inappropriate attempts at humor or the sexual harassment of one

female or male employee may create an intimidating, hostile or offensive working or educational environment for another female or male or may unreasonably interfere with an individual's work or educational performance.

- Sexual harassment does not depend on the victim having suffered a concrete economic or educational injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim, or the loss of educational advantage or educational performance may, nonetheless, constitute sexual harassment where they unreasonably interfere with the victim's work or education, or create a harmful or offensive work or educational environment.

Examples of Sexual Harassment

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 circumstance including the severity of the conduct and its persuasiveness:

- unwelcome sexual advances - whether they involved 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, pictures, cartoons;
- 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.

The Grievance Officer: Michelle Brady, Director of Special Services 32 First Way, Nantucket, MA

The committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

Complaint Procedure:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
 - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
 - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
 - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
 - d. On the basis of the grievance officer's perception of the situation he/she may:
 - Attempt to resolve the matter informally through reconciliation.
 - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.

3. After reviewing the record made by the grievance officer, the Superintendent or designee (Michelle Brady, Director of Special Services) may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.

4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45

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](#)