

GOAL STATEMENT DEVELOPED BY SUB-COMMITTEE

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
SEXUAL HARASSMENT POLICY	4110

It is the policy of the Melrose Public Schools to promote and maintain an environment which is free from sexual harassment.

Sexual harassment violates state and federal law; and therefore, the policies of the Melrose Public Schools. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, regardless of sexual orientation, when "(1) submission to such conduct is made either explicitly or implicitly, a term or condition of an individual's employment, or success as a student (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment (4) or such action is taken in relation to a student either by a fellow student or any employee of the Melrose Public Schools, shall be considered violations of this policy."

NOTE: For complete information, refer to Appendix A and the end of this section.

Appendix A
Re: Policy #4110

It is the policy of the Melrose School Department, as well as, state and federal law, that sexual harassment of a student, present or prospective employee, or visitor shall not be tolerated. Violation of this policy and of the law, if proven, will result in disciplinary action. Any person who believes that he/she has been the victim of sexual harassment may seek redress through the Melrose School Grievance Procedure.

Sexual harassment is defined as:

Unwelcome advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or success as a student;
2. Submission to or rejection of such conduct by an individual is used as the basis of employment or educational decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work or educational performance, or creating an intimidating, hostile or offensive working or educational environment.

CONSIDERATIONS

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 or by a teacher toward a student. The Melrose School Department's view of sexual harassment includes, but is not limited to, the following considerations.

- a). A man, as well as a woman, may be the victim of sexual harassment, and a woman, as well as a man, may be the harasser.
- b) 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).
- c). The victim may be the same or opposite sex as the harasser.

- d) The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example, inappropriate attempts of 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.
- e) Sexual harassment does not depend on the victim's having suffered a concrete economic 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 may nonetheless, constitute sexual harassment where they unreasonably interfered with the victim's work or education, or create a harmful or offensive work or educational environment.

All personnel will be responsible for implementing, monitoring and enforcing the above policy. All personnel are to strictly adhere to this policy.

SEXUAL HARASSMENT GRIEVANCE PROCEDURE

A formal grievance may be filed at any time by a student, employee, administrator, and/or applicant who believes that his/her rights as outlined in the sexual harassment policy have been violated. Each student, faculty member, administrator, or staff member have an obligation to make every effort to resolve problems informally as they arise. All members of the Melrose School Department community are urged to resolve problems fairly and informally so that they do not become sources of grievances to be pursued formally through the grievance procedure. An admission of guilt, an acknowledgment of a verbal warning, a promise not to commit such abuse again, and action taken to provide appropriate relief for the grievant may be sufficient resolution. If a suitable solution cannot be reached informally through independent means, a formal grievance may be initiated.

Definitions

A "grievance" shall be a complaint by an individual that there has been a violation of the sexual harassment policy.

A. The grievant should file a written statement of the grievance within thirty (30) days of the alleged harassment. The grievance should be filed with his/her principal, or in the event that the principal is the alleged harasser, with the Superintendent of Schools.

- B. In the event that the grievant does not feel comfortable making the grievance as outlined above, he/she is free to file a grievance with the principal above him/her. The grievance should be in writing because of due process concerns for the alleged harasser. However, if the grievant is unable to put the grievance in writing, the grievance, although orally made, will be investigated.
- C. Once the principal receives the grievance, he/she shall conduct an appropriate investigation of the grievance in strict confidence.
- D. In the event a grievant is filing a complaint against a city employee, who is not employed by the Melrose School Department, the Superintendent of Schools will notify the City Manager to conduct a joint investigation, follow the sexual harassment procedure as defined below and, meet with the City Manager to plan appropriate disciplinary action. If the grievant is a city employee filing a complaint against a school department employee the City Manager will notify the Superintendent of Schools to conduct a joint investigation, follow the sexual harassment policy as defined for employees under his/her jurisdiction. The City Manager will meet with the Superintendent of Schools to plan appropriate disciplinary action.
- E. Such investigation may consist of, but may not be limited to, the following action:
- a) Interview (s) with the grievant.
 - b) Interview (s) with the individual alleged to be the harasser.
 - c) Interviews with other employees or witnesses.
 - d) Interviews with other individuals who in the opinion of the principal can provide relevant information.
 - e) Review of pertinent records.
- F. The investigation will be processed in an expeditious manner with a completion time goal of two (2) weeks. Upon completion of the investigation, the principal shall prepare a report outlining the findings. If sexual harassment is found to have occurred, the principal will meet with the Superintendent of Schools to plan appropriate disciplinary action. The disciplinary action may include: an oral warning, reprimand, a written warning or reprimand to be placed in a personnel file, suspension, demotion, termination, or a combination of the above. The investigation report and all documents shall be kept in the principal's confidential files. In the event there is a finding of no sexual harassment, the grievant may appeal the decision to the Melrose School Committee.

- G. The principal will write a summary of the investigation and the disciplinary action decided upon by the Superintendent of Schools. Both the complainant and the harasser shall receive the summary. If a complaint is sustained, the summary shall be placed in the personnel file of the harasser. If the complaint is unsubstantiated, the summary shall be kept in the principal's confidential files for a period of three (3) years.
- H. If it has been determined that the alleged has been falsely accused the principal may take appropriate disciplinary action against the complainant. The disciplinary action may include: an oral warning, reprimand, a written warning or reprimand to be placed in a personnel file, suspension, demotion, termination, or a combination of the above.

Miscellaneous

- A. Grievants are not limited to a formal grievance procedure but may seek relief from other agencies, including the Equal Employment Opportunity Commission, the Massachusetts Commission Against Discrimination or the Office of Civil Rights of the Department of Education:
- B. Any retaliatory action of any kind taken by an employee or student of the Melrose School Department against any other employee or student of the Melrose School Department as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any proceeding under these procedures is prohibited, and shall be regarded as a separate and distinct grievable matter under this procedure.
- C. All grievance proceedings will, to the greatest possible extent, be held in confidence by all persons directly or indirectly involved in them.