

Sexual Harassment Policy



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Superintendent of Schools

HOLYOKE PUBLIC SCHOOLS

Sexual Harassment Policy

It is the policy of the Holyoke Public Schools, in compliance with State and Federal laws and anti-discrimination laws to provide a working environment free from all forms of sexual harassment. Sexual harassment of employees occurring in the workplace or in the other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. 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.

This policy is effective immediately and shall apply to all employees. All employees of the Holyoke Public Schools have the right to work in an environment free from sexual harassment. The Holyoke Public Schools affirms its commitment to maintain a work environment free of all forms of harassment and discrimination based on race, color, religion, sexual orientation, national origin, ancestry, age, sex or disability. All employees are expected to conduct themselves in an appropriate manner with courtesy and respect for others. Any harassment on the basis of a person's race, color, religion, sexual orientation, national origin, ancestry, age, sex or disability will not be tolerated. Procedures and policies set forth in Section III-IX should also be utilized for these types of claims of discrimination or harassment.

I. Definition of Sexual Harassment

- A. Sexual harassment is a form of sex discrimination. Sexual harassment in the workplace and retaliation for reporting or cooperating with a sexual harassment investigation are unlawful under both state and federal law and will not be tolerated.
- B. In Massachusetts, the legal definition of sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
 - 1. 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,
 - 2. 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. It is important to note that sexual harassment is not limited to conduct by a male employee towards a female employee. The victim of sexual harassment may be either male or female. Likewise, a harasser may be male or female. Also, sexual harassment is not, by definition, limited to prohibited conduct by a supervisor or manager towards an employee. It can also involve conduct by one employee towards a coworker, in some circumstances; it may even involve a non-employee as a harasser or the victim or harassment.

II. Examples Of Types Of Conduct Which May Constitute Sexual Harassment

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 work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

Be advised that our policy prohibits conduct or behavior of an offensive or sexual nature that may go beyond what is prohibited by law. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which violate our policy and may also constitute sexual harassment under the law, depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness. A supervisor indicates to a subordinate that the subordinate's performance review will be affected by whether or not the subordinate is willing to date the supervisor.

- A supervisor tells an employee that he/she could be promoted if he/she grants certain sexual favors to the supervisor.
- A manager demotes an employee because the employee refuses to share a bed with the manager during an out of town conference.
- Sexual advance – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects or materials, including photographs, drawings, cartoons, post cards, calendars, tapes, etc.;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussions of one's sexual activities;
- Transmitting or accessing sexually explicit materials by computerized or other means;
- Touching, pinching, groping, kissing or patting the body of another person;
- Repeatedly asking a person for a date or to socialize outside of work after being informed such conduct is unwelcome;
- Exerting pressure on another person for sex or a romantic relationship; or
- Following, "shadowing", or stalking a person.

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 by this organization.

III. Responsibilities Of All Employees

Each employee is personally responsible for ensuring that his/her conduct does not in any way sexually harass any other employee or non-employee he/she is in contact with in the performance of his/her duties. Each employee, supervisor and manager is required to fully cooperate in any Holyoke Public School investigation of alleged sexual harassment, or with the appropriate legal authorities. Further, supervisors and managers are obligated to intervene and stop any sexual harassment they witness and to immediately report to their supervisor, in writing, any sexual harassment that is reported to them or they otherwise learn of. Any employee who receives a report of, or otherwise has knowledge of conduct prohibited by this policy is required to report the conduct or incident immediately.

IV. Procedure for Reporting Sexual Harassment

The following sexual harassment complaint procedure has been established to ensure prompt and effective investigation into allegations of sexual harassment.

- A. If an individual believes that he or she is being sexually harassed or subjected to inappropriate conduct of a sexual nature, the individual should immediately:
1. Firmly confront the harasser(s);
 2. State the conduct which he/she objects to;
 3. Indicate that he/she finds such conduct offensive, intimidating and/or embarrassing;
 4. Insist that the person(s) engaging in the conduct stop the conduct immediately; and
 5. Report the harassment immediately in writing to one or more of the persons listed below.*

If the employee is not comfortable with confronting the alleged harasser(s), the employee should immediately report the situation to one or more of the persons identified below.*

- B. After reporting the situation to one or more of the persons identified below*, the employee should immediately submit a written statement to the investigator detailing:
1. The specific conduct objected to,
 2. The date(s) and time(s) such conduct took place,
 3. The name(s) of the alleged harasser(s),
 4. The location(s) where the conduct occurred,
 5. The name(s) of any witness(es), and,
 6. Any other details or information requested by the investigator.

The employee should provide the investigator with any documentation (cards, notes, pictures, etc.) or other corroboration of the harassment which the employee may have.

EMPLOYEES WHO HAVE A COMPLAINT OF SEXUAL HARASSMENT OR WHO WISH TO LEARN MORE ABOUT THE SUBJECT MAY CONTACT ANY ONE OF THE FOLLOWING PERSONS:

* STUDENT SERVICES DIRECTOR
STUDENT SERVICES DEPARTMENT
HOLYOKE PUBLIC SCHOOLS, 57 SUFFOLK STREET, HOLYOKE, MA 01040
TELEPHONE (413) 534-2000 EXTENSION 236

* HUMAN RESOURCE DIRECTOR
HUMAN RESOURCE DEPARTMENT
HOLYOKE PUBLIC SCHOOLS, 57 SUFFOLK STREET, HOLYOKE, MA 01040
TELEPHONE (413) 534-2000 EXTENSION 224

V. Investigation of Complaints

Complaints of sexual harassment will be investigated promptly and acted upon in a timely manner.

The investigator will inform the alleged harasser(s) of the complaint, will interview the alleged harasser and require the alleged harasser to submit a detailed written response to each and every allegation of harassment. The investigator will also endeavor to promptly interview and obtain

detailed written statements from potential witnesses. If the investigator concludes that sexual harassment has occurred, the matter shall be immediately referred for appropriate disciplinary action and we will act promptly to eliminate the offending conduct.

VI. Consequences of Violating Policy – Discipline & Discharge

If it is determined that inappropriate conduct has been committed by one of our employees, and this employee is in violation of this policy, he/she will be subject to disciplinary action which may range from reprimand, suspension without pay, demotion, up to and including immediate discharge. In appropriate circumstances, the Employer may also refer the matter to law enforcement officials for possible prosecution.

VII. Confidentiality

Investigations of sexual harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. The Employer shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

VIII. No Retaliation For Filing A Complaint Or Cooperation With An Investigation

No employee shall be retaliated or discriminated against in any way for making a complaint of sexual harassment or for cooperating in the investigation of such a complaint.

IX. Identify of State And Federal Authorities

The Massachusetts Commission Against Discrimination (MCAD) enforces the state law prohibiting sexual harassment. The MCAD can be reached as follows, if you wish to file a formal complaint with them:

Massachusetts Commission Against Discrimination
436 Dwight Street, Suite 220
Springfield, MA 01103
Telephone (413) 739-2145

Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108-1532
Telephone (617) 727-3990

The Equal Employment Opportunity Commission (EEOC) enforces the federal law prohibiting sexual harassment. The EEOC can be reached as follows, if you wish to file a formal complaint with them:

Equal Employment Opportunity Commission
One Congress Street, Room 1001
Boston, MA 02114
Telephone (617) 565-3200

Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
Telephone (202) 663-4900

ACKNOWLEDGEMENT OF RECEIPT OF SEXUAL HARASSMENT POLICY

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE SEXUAL HARASSMENT POLICY. I UNDERSTAND THAT IT IS MY OBLIGATION TO IMMEDIATELY READ THE POLICY AND ABIDE BY THE POLICY THROUGHOUT MY EMPLOYMENT.

Employee's Signature

Date

Employee's Name (Please Print)

Position Title

Assigned Building