



SEXUAL HARASSMENT COMPLAINT PROCEDURE FOR STUDENTS

Introduction

It is the policy of the Maynard Public Schools that all students should be able to attend school and participate in a learning environment which is free of any kind of sexual harassment. Sexual harassment violates the discipline policies of the Maynard Public Schools and also violates the law, specifically Title IX.

What is sexual harassment?

The legal definition of sexual harassment is:

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 success as a student;
2. Submission to or reject of such conduct by an individual is used as the basis of educational decisions affecting such individuals; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's educational performance, or creating an intimidating, hostile or offensive educational environment.

It may be easier to understand the legal definition of sexual harassment if you look at Examples of sexual harassing conduct.

EXAMPLES OF SEXUAL HARASSING CONDUCT

- touching (arm, breast, buttocks, etc.)
- verbal comments (about parts of the body, what type of sex the victim would be "good at," clothing, looks, etc.)
- name-calling (from "honey" to "bitch" and worse)

- spreading sexual rumors
- leers and stares
- sexual or "dirty" jokes
- cartoons, pictures, and pornography
- using the computer to leave sexual messages or graffiti or to play sexually offensive computer games
- gestures with the hands and body
- pressure for sexual activity
- cornering, blocking, standing too close
- following conversations that are too personal
- "rating" an individual - for example, on a scale from 1 to 10
- obscene T-shirts, hats, pins
- showing R-rated movies during class
- sexual assault and attempted sexual assault
- rape
- massaging the neck, massaging the shoulders
- touching oneself sexually in front of others
- graffiti
- making kissing sounds of smacking sounds; licking the lips suggestively
- howling, catcalls, whistles
- repeatedly asking someone out when he or she isn't interested
- "spiking" (pulling down someone's pants)
- facial expressions (winking, kissing, etc.)
- "slam books" (lists of students' names with derogatory sexual comments written about them by other students)
- "making out" in the hallway

COMPLAINT PROCEDURE

If you feel that someone has sexually harassed or is sexually harassing you, you should file a complaint by following the steps below; in this way, the sexual harassing conduct will stop and the person who is sexually harassing you will know that you do not like or accept such conduct.

Steps for filing a complaint

1. Speak or send a note to any employee of the school system whom you trust, i.e., principal, assistant principal, teacher, nurse, counselor. You can also speak to your parents who can then notify the principal or assistant principal. Remember that the complaint procedure does not start until school personnel receive the complaint.

2. If you have not or do not want to put the complaint in writing, the employee will do so for you. This should be done no later than two (2) school days after you have talked, or given the note, to the employee. The complaint has to be put in writing to make sure that the employee's understanding of your complaint is correct.

3. The employee will refer the written complaint to the principal. The principal or his/her designee may speak with you to get more information. In any case, the principal or his/her

designee will speak to the person who you think is sexually harassing you (called "the respondent") to obtain information as well.

- a. If the principal feels that the complaint can be resolved without a formal investigation, he/she may use the informal procedure.¹ The informal procedure simply tries to resolve the situation and can be done in many ways. Examples are:
 - Principal or his/her designee may ask you how you would like the matter resolved, and follow through on what you would want.
 - Principal or his/her designee may ask if you want an apology, orally or in writing, and obtain that for you.
 - Principal or his/her designee may have a conversation between you and the respondent where you can tell the respondent that the behavior bothers you and must stop.
 - The Principal or his/her designee may have you write a letter to the respondent saying that the behavior bothers you and must stop.
 - The Principal or his/her designee may have separate conversations with you and the respondent.

Examples of possible resolutions are:

- Verbal statements of apology
 - Letters of apology
 - Assurances that the offensive behavior will end
 - Disciplinary action.
- b. The informal procedure will be completed within five (5) school days from the date the principal receives the complaint. The Principal or his/her designee will notify you and the respondent of the results of the informal procedure. Resolution of the situation may or may not occur as a result of the informal procedure. If all the parties involved in this informal procedure feel that a resolution has been achieved, this discussion will remain confidential and no further action will be taken. If any of the parties feel that resolution has not been achieved, the following formal procedure will be used. Investigative deadlines may be extended under extenuating circumstances such as illness.

Formal Procedure

- a. The formal procedure is used when any one of the following happens:

¹ Even if the principal thinks that the informal procedure is acceptable, you or the respondent can ask that the formal procedure be used, rather than, or after, the informal procedure.

1. You or the respondent ask that the formal procedure be used,
 2. The principal or his/her designee decides that the formal procedure should be used, or
 3. You or the respondent feels that the informal procedure was not helpful or adequate and one of you requests within five (5) school days, that the formal procedure be used.
- b. The formal procedure will be completed within twenty (20) school days of the complaint being filed with the principal, or if the informal procedure was used, within twenty (20) school days of the request to start the formal procedure.
- c. The principal or his/her designee will investigate the complaint and complete a written report, which will include
- All facts and circumstances of the incident.
 - A summary of the investigation which will include interviews with anyone reasonably believed to have relevant information, namely, you, the respondent and, if either is under the age of 18, their parents (if appropriate), witnesses, and anyone else who may have experienced similar conduct.
 - A description of any actions already taken and/or proposed by the Principal or his/her designee.

Copies of this written report, including the Principal's decision, and the rationale and documentation of it will be forwarded to each of the parties involved within five school days of completion of the investigation. All documentation of sexual harassment complaints will be kept on file with the Director of Student Services.

If the Principal or his/her designee finds that sexually harassing conduct has occurred, then he/she may discipline the respondent, require the respondent to apologize to you, require that the respondent go to counseling or training, take any combination of these actions or any other appropriate action.

You or the respondent may appeal the decision in writing to the Director of Student Services, within fifteen (15) school days of receipt of the findings of the formal procedure. The decision will be reviewed to ensure adequacy of the investigation and conclusions. Parties will be given an opportunity to submit additional information. The Director of Student Services will make a decision and provide it in writing to you and the Respondent within thirty (30) days.

OTHER RESOURCES

Individuals also have the right to seek a remedy from the Regional Office of Civil Rights for the U.S. Department of Education, Region I, Five Post Office Square, 8th Floor, Boston, MA 02109-3921, (617) 289-0111

Retaliation

No one may retaliate against you for filing a complaint. Further, no one may retaliate against any student, employee or any other person because they provided information or helped in the investigation. If any person feels that they have been subjected to retaliation, he/she should file a complaint with the Director of Student Services.

Considerations to Remember

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- a. A man/boy, as well as a woman/girl, may be the victim of sexual harassment, and a woman/girl, as well as a man/boy, may be the harasser.
- b. The victim may be the same or opposite sex as the harasser.
- c. 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 girl (or boy) may create an intimidating, hostile, or offensive environment for another girl (or boy) or may unreasonably interfere with an individual's educational performance.

Date Approved: 11/8/12
