

GREATER LOWELL TECHNICAL HIGH SCHOOL POLICY ON SEXUAL HARASSMENT, HARASSMENT AND DISCRIMINATION

PURPOSE:

It is the goal of the Greater Lowell Technical High School to promote an educational and working environment that provides educational and employment opportunities for students and employees that are free of sexual harassment, harassment and discrimination in accordance with appropriate Federal and State laws.

POLICY:

Sexual Harassment, harassment and discrimination of students and employees occurring in school or in other settings in which students and employees may find themselves in conjunction with their education or employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment, harassment or discrimination or any retaliation against an individual for cooperating with an investigation of sexual harassment, discrimination is similarly unlawful and will not be tolerated. To achieve our goal of providing an educational and working environment free from sexual harassment, harassment and discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees or students.

Because the School District takes allegations of sexual harassment, harassment and discrimination seriously, we will respond promptly to complaints of sexual harassment, harassment and discrimination and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective actions as is necessary, including disciplinary action up to and including termination of employment or dismissal of a student from the District where appropriate.

Please note that while this policy sets forth our goals of promoting an educational and working environment that is free of sexual harassment, harassment and discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct or student conduct we deem is unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment, harassment or discrimination.

II. Definition of Sexual Harassment, Harassment and Discrimination

Sexual Harassment:

Sexual harassment is a form of unlawful discrimination under both federal and Massachusetts law. Sexual harassment shall mean sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when

1. Submission to such advances, requests or conduct is made an explicit or implicit term or condition of an academic or employment decision;

2. Submission to or rejection of such conduct by an individual is used as a basis for an academic or employment decision affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's learning environment or work performance or creates an intimidating, hostile or offensive educational or work environment.

Note: Academic decisions include, but are not limited to, decisions relating to grades, recommendations, scholarly opportunities, and participation in extracurricular activities and student organizations. Employment decisions include, but are not limited to, hiring, firing, transfers, promotions, upgrades, performance evaluations, letters of recommendation and professional or academic advancement.

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. Implied or overt promises of preferential treatment or threats of negative treatment with regard to an individual's academic standing constitutes 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 environment or learning environment that is hostile, offensive, intimidating, or humiliating to male or female employees or students may also constitute sexual harassment.

The key word in defining sexual harassment is unwelcome. 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 circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve 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, or 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.

Discrimination:

- Unlawful discrimination means an adverse decision made against a person for reasons related to her or his race, color, religion, gender, gender identity, national origin, age, disability, genetics, pregnancy, military status, veteran status, citizenship status, sexual orientation, or past involvement in a discrimination complaint.

Harassment:

- Harassment is a form of unlawful discrimination when the verbal or physical conduct that denigrates or shows hostility or aversion toward an individual is based on his or her race, color, religion, gender, gender identity, national origin, age, disability, genetics, pregnancy, military status, veteran status, citizenship status, sexual orientation. Harassment has the purpose or effect of unreasonably interfering with an individual's work or academic performance or otherwise adversely affecting an individual's employment or student's opportunities for learning. Harassment may take the form of epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts. It may also take the form of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, gender identity, national origin, age, disability, genetics, pregnancy, military status, veteran status, citizenship status, sexual orientation.
- All employees and students should take special note that retaliation against an individual who has complained about sexual harassment, harassment or discrimination, and/or retaliation against individuals for cooperating with an investigation of sexual harassment, harassment or discrimination complaint is unlawful and will not be tolerated.

III. Complaints of Sexual Harassment, Harassment or Discrimination:

If any student believes that he or she has been subjected to sexual harassment, harassment or discrimination the student is encouraged to immediately report the conduct to a faculty member who will refer the matter to the Director of Guidance/Title IX Coordinator, Valerie Murphy ext. 4955, third floor, Guidance Department. The student may also report directly to the Guidance Department with their complaint. This may be done in writing or orally.

If any employee believes that he or she has been subjected to sexual harassment, harassment or discrimination, the employee has the right to file a complaint with the Human Resource Director, Kathryn Tierney, ext. 4892, first floor. This may be done in writing or orally.

These persons are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment, harassment or discrimination and our complaint process.

IV. Sexual Harassment, Harassment and Discrimination Investigation

Greater Lowell Technical High School has informal and formal procedures for employees and students who believe they have experienced or are experiencing unlawful discrimination, sexual harassment, or harassment in the school or at any school sponsored activity or event. When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. To that end, the School District will attempt to complete the informal and formal investigation of complaints within 30 working days. The investigation will be conducted in such a way as to maintain confidentiality to the extent

practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment, harassment or discrimination. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

The informal process, set forth below, offers a way for individuals to resolve their concerns without initiating an extensive investigation. If the informal process fails to bring about a satisfactory resolution for the individual bringing the complaint or when the informal process is not appropriate for resolving a particular complaint, then the formal process is available. The formal process, set forth below, also is available without having pursued some type of informal resolution of a complaint.

The School District imposes no deadline for reporting allegations of unlawful discrimination or harassment. However, to ensure that memories are fresh and to provide an opportunity for the alleged harasser to adequately respond, it is strongly recommended that complaints be reported within 60 days after an incident has occurred or a pattern of unlawful discrimination or harassment has become apparent. If there is any fear or threat of imminent physical danger, then the complaint should be reported immediately.

If an investigation confirms that inappropriate conduct has occurred, the School will take prompt corrective action to eliminate the offending conduct, and where appropriate we will impose disciplinary action up to and including immediate dismissal or termination of employment.

Informal:

The School District's informal process is one option available to members of the School District to resolve complaints. The first step in the process is reporting the behavior as soon as possible. While some situations may be appropriately resolved through informal means, others may require immediate action and will be resolved only through the formal process. For example, in instances of imminent danger or in which there arise concerns about safety, it is unlikely that informal resolution would be appropriate.

Step 1: Students should talk with a faculty member, a member of the Guidance Department or the Director of Guidance/Title IX Coordinator, Valerie Murphy at (978) 441-4955. The staff member hearing the complaint will immediately report it to the Director of Guidance. The Guidance Department is located on the third floor of the School. Employees should talk with the Human Resource Director at (978) 441-4892 located on the first floor.

Step 2: The Director of Guidance and/or Human Resource Director shall make every effort to resolve the matter informally. For example, informal resolution may take the form of separate meetings with the individual bringing the complaint and with the person against whom the complaint is brought; a three-way meeting with the complainant and the person against whom the

complaint is brought, a meeting with the appropriate administrators, or some other mutually agreeable course of action to resolve the complaint.

Step 3: Should the matter not be resolved to the satisfaction of the student or employee bringing the complaint, the employee or student may request that a formal investigation be initiated.

If the matter is resolved using the informal process, the investigating administrator shall retain a written confidential record of the informal process.

Formal

Step 1: A student who wishes to initiate a formal complaint should report his or her concerns to the Director of Guidance/Title IX Coordinator, Valerie Murphy, or her designee.

An employee who wishes to initiate a formal complaint should report his or her concerns to the Human Resource Director.

Upon receipt of an oral or written complaint by any of the designated administrators the Superintendent-Director shall be notified. Once the formal complaint process is initiated, the employee or student will be asked to prepare a written statement of his or her allegations. This written statement shall serve as the basis for the investigation of the complaint.

Step 2: The Investigating Administrator shall meet with the employee or student bringing the complaint to explain the formal complaint process, to answer any questions that the employee may have, and then shall interview him or her about the allegations contained in her or his written statement.

Step 3: The Investigating Administrator shall notify the person against whom the complaint is filed of the complaint and meet with him or her to discuss the matter. At this meeting, the Investigating Administrator shall provide him or her with a copy of the written statement and review the procedures of the formal process. The person against whom the complaint is made may then have ten (10) business days from the date of this meeting to submit to the Investigating Administrator a written response to the charges.

Step 4: After reviewing the charges and the response and meeting with both parties, the Investigating Administrator shall determine whether there is reasonable, credible evidence to support the allegation(s). If necessary, the Investigating Administrator may confer again with either or both parties and may interview others who may have relevant information. The Investigating Administrator shall also review any materials and documents, which may be relevant to the complaint. The Investigating Administrator reserves the right to determine who shall be interviewed and the number of interviews necessary to make the necessary findings and recommendations.

Step 5: After the Investigating Administrator has completed his or her investigation, he or she shall prepare a written report. The report shall be submitted to the Superintendent-Director and shall

include the Investigating Administrator's findings as well as his or her recommendations for disciplinary and/or remedial action (if necessary and appropriate).

Step 6: The Superintendent-Director shall review the Investigating Administrator's report and may conduct such further investigation of the facts as she or he deems appropriate. If there is reasonable credible evidence to support the allegation(s) and if the perpetrator of the unlawful discrimination or harassment is a Greater Lowell Technical High School student, then the Superintendent-Director shall determine the sanction to be imposed in consultation with the Assistant Superintendent-Principal. The sanction imposed shall be in accord with all applicable state statutes, School District rules, policies, and regulations pertaining to students.

If there is reasonable credible evidence to support the allegation(s) and if the perpetrator of the unlawful discrimination or harassment is an employee of the School District, then the appropriate sanction shall be determined by the Superintendent-Director in consultation with the Assistant Superintendent Principal and other parties as needed. The sanction imposed shall be in accord with applicable state statutes, School District rules, policies, and regulations pertaining to employees.

If there is reasonable credible evidence to support the allegation(s) and if the perpetrator of the unlawful discrimination or harassment is a vendor, contractor, service person, or anyone else who has a recognized connection with the School District, then the Superintendent-Director or his or her designee shall take all reasonable and necessary steps to end the harassing behavior.

A permanent, confidential written record of the formal complaint process shall be retained by the Superintendent and the Investigating Administrator.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees or students, we will take action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or dismissal from school, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

VI. Conflict of Interest

If at any time during an investigation of a complaint of sexual harassment, harassment or discrimination, the Investigating Administrator believes that he or she can no longer investigate a complaint in an appropriate and impartial manner, he or she may ask that a new Investigating Administrator be appointed.

Also, if the Superintendent-Director has grounds to believe that the Investigating Administrator may no longer be able to conduct the investigation in a proper and impartial manner, he or she may appoint another to investigate the complaint. In addition, the Superintendent-Director shall have the authority to designate a third party, including legal counsel, to investigate a complaint of sexual

harassment, harassment and discrimination and report his or her findings to the Superintendent-Director.

VII: Cooperating With An Investigation

It is expected that, at the request of the School District, employees and students will cooperate fully in the investigation of a complaint of sexual harassment, harassment and discrimination. Employees are expected to do all that they can to prevent and discourage sexual harassment, harassment and discrimination from occurring.

VIII. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, harassment or discrimination, you may file a formal complaint with the federal and/or state agency listed below that enforces the anti-discrimination law that protects your rights. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short period for filing a claim: 300 days with the MCAD and/or 180 days with the EEOC. This 180 day filing deadline is extended if the charge is also covered by state law.

US Equal Employment Opportunity Commission (EEOC- Employment claims only)
One Congress Street
Boston, MA 02114
(617) 565-3200

U.S. Department of Education, Office for Civil Rights, Region 1
33 Arch Street
Boston, MA 02110-1491
(617) 289-0111
Time limit to file: 180 days

Massachusetts Commission Against Discrimination (MCAD).

Boston Office:	Springfield Office:	Worcester Office:
One Ashburton Place	424 Dwight Street	22 Front Street
Boston, MA 02108	Springfield, MA 01103	Worcester, MA 01641
(617) 994-6000	(413) 739-2145	(508) 799-6379