

## SEXUAL HARASSMENT

The Nauset Public Schools are committed to promoting a workplace that is free of sexual harassment. Sexual Harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, 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. In order to provide a workplace free from sexual harassment, this policy describes conduct which is inappropriate and/or unlawful, and sets forth a procedure for handling such conduct if encountered by employees.

Because the Nauset Public Schools takes allegations of sexual harassment seriously, complaints of sexual harassment will be responded to promptly, and where it is determined that such inappropriate conduct has occurred, Nauset 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 Nauset's goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit Nauset's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Massachusetts law defines sexual harassment as follows: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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  
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 performance reviews, salary increases, promotions, increased benefits, or continued employment constitute sexual harassment.

The legal definition of sexual harassment is broad 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.**

**While it is not possible to list every circumstance 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, with or without accompanying physical touching;**  
**sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about another's sexual activities, deficiencies, or prowess;**  
**displaying pornographic materials or sexually suggestive objects, pictures, cartoons;**  
**unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;**  
**inquiries into one's sexual activities.**

**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 the Nauset Public Schools.**

**Any employee who believes that he or she has been subjected to sexual harassment has the right to file a complaint with the administration. This may be done orally or in writing.**

**To file a complaint, contact the assistant superintendent. The assistant superintendent is also available to discuss any concerns you may have and to provide information to you about the policy on sexual harassment and the complaint process. Complaints may also be filed with each individual school building principal, who will then refer the complaints to the assistant superintendent for further investigation.**

**Complaints of sexual harassment will be investigated in a prompt, fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed the sexual harassment will also be interviewed. When the investigation has been completed, the person filing the complaint and the person alleged to have committed the conduct will be informed, to the extent appropriate, of the results of that investigation.**

**If it is determined that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct, and where it is appropriate, disciplinary action will be imposed. (Please refer to Nauset's "Discrimination Complaints: Investigation and Grievance Procedures" for further information regarding the process to be utilized for investigation of complaints of sexual harassment.)**

**If it is determined that inappropriate conduct has been committed by a Nauset employee, depending upon the circumstances, various types of disciplinary or remedial action will be taken. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as is deemed appropriate under the circumstances.**

**In addition to Nauset's own complaint process, employees who believe they have been subjected to sexual harassment may file a formal complaint with either or both of the government agencies set forth below. Using Nauset's internal complaint process does not prohibit an employee from filing a complaint with these agencies. The EEOC has a 180 day time period for filing a claim, and the MCAD has a six month time period for filing a claim.**

**The United States Equal Opportunity Employment Commission ("EEOC")  
One Congress Street - Tenth Floor  
Boston, MA 02114 (617) 565-3200**

**The Massachusetts Commission Against Discrimination ("MCAD")  
One Ashburton Place - Room 601  
Boston, MA 02108 (617) 727-3990**

**Adopted as amended by Joint School Committees - October 11, 2001**