

## **SEXUAL/GENDER HARASSMENT POLICY FOR STUDENTS**

### **I. POLICY**

The Franklin Public School System, in accordance with the Massachusetts General Laws, Chapter 76, Section 5, prohibits discrimination on the basis of gender or sexual orientation in educational programs and activities of the public schools.

Franklin is committed to maintaining an educational atmosphere in which each and every student can pursue scholastic achievement and personal fulfillment. Sexual/gender harassment of any kind is a destructive behavior which interferes with the educational process and will not be tolerated.

The Franklin Public School System maintains a neutral position regarding students' interpersonal relationships. However, embraces, intimate touching, and other physical actions showing a personal relationship are inappropriate in an educational setting. Students who engage in such actions on school grounds or during school activities violate school policy.

The purpose of this policy is to define sexual/gender harassment, establish appropriate standards of conduct, and set guidelines for recognizing and dealing with sexual/gender harassment.

### **II. DEFINITION**

Sexual/gender harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when such conduct unreasonably interferes with school performance or creates an intimidating, hostile, or offensive educational environment.

Sexual/gender harassment may include, but is not limited to:

1. Assault, inappropriate touching, intentionally impeding movement, continuing comments, gestures, or written communications of a suggestive or derogatory nature;
2. Continuing to express sexual interest after being informed that the interest is unwelcomed (reciprocal attraction between peers is not considered sexual/gender harassment)
3. Leering or voyeurism;

4. Displaying lewd or sexually explicit photographs or materials;
5. Physical or verbal assault based on a student's sexual orientation. Sexual/gender harassment is described by the victim. The individual's feelings and reactions determine whether behavior such as that described above is inappropriate and sexual/gender harassment has taken place.

### III. STANDARDS OF CONDUCT

Sexual/gender harassment is a violation of an individual's right to privacy and personal dignity. Anyone who engages in sexual/gender harassment violates school policy. Students displaying physical actions which reflect a personal relationship on school grounds or during school activities violate school policy.

Student conduct on school grounds and during school activities will be monitored, and violations of school policy will result in disciplinary proceedings.

### IV. GENERAL GUIDELINES

1. Problems and complaints regarding sexual/gender discrimination and harassment should be resolved in a prompt and equitable manner. When possible, such problems and complaints should be resolved in an informal manner. Students who need help or wish to talk about harassment should see a school counselor or their Principal immediately. Staff who observe conduct which violates this policy are to report the conduct to their Principal or the school counselor.
2. This complaint procedure is not applicable to situations in which other appeal and adjudication procedures have been provided by state law or other specific Franklin Public School policies and directives.
3. Retaliation in any form for the filing of a complaint or reporting of sexual/gender harassment is prohibited and will result in serious disciplinary action and a report submitted to the appropriate authorities.

### V. RESPONSIBILITY

The Director of Pupil Personnel Services shall be responsible for the administration of this policy. Faculty and staff who need assistance in the interpretation or administration of the policy should contact either their Principal or the Director of Pupil Personnel Services.

VI. PROCEDURE FOR DEALING WITH SEXUAL/GENDER HARASSMENT

1. Any individual subjected to sexual/gender harassment may, if he or she chooses, confront the harasser informally in order to resolve the complaint on a personal level.
2. If the complainant does not want to deal directly with the harasser, or if the matter is not resolved informally, the complainant should immediately report the conduct to a school counselor or Principal. Every report of sexual/gender harassment must be taken seriously. It must be responded to immediately. The school counselor or Principal may choose to meet with the harasser and the complainant together to work out an informal resolution.
3. If the complainant does not agree to meet with the harasser, the complainant should write a letter listing:
  - a. An exact description of the behavior, including when and where it happened;
  - b. A description of how the behavior made the complainant feel (embarrassed, humiliated, angry, etc.)
  - c. The letter should contain a request that the behavior stop because it is sexual/gender harassment and is against the law;
  - d. A promise that if the behavior stops, nothing further will be said and no further action will be taken;
  - e. The school counselor or Principal should assist the complainant in drafting the letter;
  - f. The school counselor or Principal shall notify the parent;
  - g. The letter should be signed and dated by the complainant. The complainants or the school counselor should deliver one copy of the letter to the harasser and retain a copy in the school counselor's office and Principal's office.
  - h. If the behavior does not stop, the writer will request a formal investigation as described in Paragraph (4) Four.

4. In the case of serious or repeated incidents of sexual harassment or other cases requiring a formal investigation, the Principal or Director of Pupil Personnel Services will conduct the investigation. The following shall be implemented:
  - a. Have a supportive faculty member or other person of the same sex as the complainant present with the complainant at all discussions regarding the case;
  - b. Keep the investigation group as small as possible to protect the rights of both parties and to prevent the investigation from becoming overly publicized;
  - c. Complete the investigation promptly. If the complaint is not supported, that decision will be carefully explained to the complainant and the alleged harasser. If the complaint is supported, the following action will take place:
    - (1) The Principal shall notify the parent.
    - (2) Disciplinary sanctions shall be imposed as described in the Student Handbooks.
    - (3) If the conduct involves a violation of law, the matter will immediately be reported to the appropriate authorities.
  - d. The investigation report including action taken by school authorities will be filed in the Principal's office and copy to Director of Pupil Personnel Services.