

**WESTFIELD PUBLIC SCHOOLS
ADMINISTRATIVE REGULATIONS REGARDING
SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)**

It is the policy of the Westfield Public Schools that any form of sex discrimination or sexual harassment is forbidden, whether by students, school employees or third parties subject to the control of the board. Students, school employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Westfield Public Schools sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

Sex discrimination occurs when a person, because of his or her gender, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment is a form of sex discrimination. Sexual harassment in the education environment and retaliation for reporting or cooperating with a sexual harassment investigation are unlawful under both state and federal law and will not be tolerated. In Massachusetts, the legal definition for 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 education or a basis for employment or educational decisions; or
2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

*Sexual harassment is not limited to conduct by a male towards a female. The victim of sexual harassment, or likewise, the harasser, may be either male or female.

The Westfield Public Schools Policy regarding sex discrimination and sexual harassment prohibits conduct or behavior of an offensive or sexual nature including that which may go beyond what is prohibited by law. While it is not possible to list all the 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.

- Linking a student's academic or athletic progress to the student's submission to or participation in certain sexual activities.
- Making continued unwelcome sexual advances - whether they involve physical touch or not.
- Communicating sexual epithets, jokes, making written or oral references to sexual conduct, gossip regarding one's sex life, or commenting on an individual's body, or about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexual suggestive objects or materials, including photographs, drawings, cartoons, post cards, calendars and tapes.
- Leering, whistling and brushing against another person's body.
- Inquiring about another person's sexual experiences.
- Discussing one's own sexual activities.
- Making sexual gestures or body motions.
- Transmitting or accessing sexually explicit materials by computerized or other means.
- Making sexual comments or telling sexual jokes or stories.
- 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 sexual or a romantic relationship.
- Following, "shadowing" or stalking a person.

Complaint Procedure

1. It is the express policy of the Westfield Public Schools to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a written complaint to the principal, or his/her designee. The student will be provided a copy of this Policy and Regulation and made aware of his or her rights when he/she files the complaint.
3. The complaint should state the:
 - A. Name of the complainant,
 - B. Date of the complaint,
 - C. Date(s) of the alleged harassment/discrimination,
 - D. Name(s) of the harasser(s) or discriminator(s),
 - E. Location where such harassment/discrimination occurred,
 - F. Names of any witness(es) to the harassment/discrimination, and
 - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

***Students who have a complaint of sexual harassment or who wish to learn more about the subject, may contact any one of the following persons:**

Ronald Rix, Director of Technology & Business
59 Court Street/City Hall Room 102
Westfield, MA 01085
413-572-6407

Leslie Clark-Yvon, Principal
Franklin Avenue Elementary School
22 Franklin Avenue
Westfield, MA 01085
413-572-6424

4. Student complaints of sexual harassment should be filed in the following manner:

LEVEL ONE:

Report the alleged charge immediately to the principal of the building or, if the principal is the subject of the alleged charge, to the superintendent or his/her designee. If the Superintendent is the subject of the alleged charge the complaint should be filed with the Title IX Coordinator, Jennifer Willard, Director of Human Resources. All complaints will be reduced to writing following an informal discussion of the allegation in order for the matter to proceed further. The principal (or superintendent) will investigate and will try to render a decision regarding the complaint and any action or recommended action to be taken within ten (10) calendar days. The building principal or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.

LEVEL TWO:

If the student wishes to carry the complaint beyond the decision reached at Level One, he/she may, within five (5) days of the decision, file his/her complaint with the Superintendent. The Superintendent will evaluate the evidence and will try to render his/her decision within (10) days after receiving the appeal.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the school district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

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 Westfield Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

No retaliation for filing a complaint or cooperating with an investigation:

No employee or student 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.

Discipline:

Any student who violates the Westfield Public Schools Sexual Harassment Policy will be subject to disciplinary action that may range from detention, suspension from schools, up to and

including expulsion from the Westfield Public Schools. In appropriate circumstances, the Administration may also refer the matter to law enforcement officials for possible prosecution.

Identity 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 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 St. N. W.
Washington, DC 20507
Telephone (202) 663-4900

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