

PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT COMPLAINTS AND INVESTIGATIONS INVOLVING STUDENTS*

Legal Aspects: Students in school are protected from sexual harassment. If sexual harassment involves a minor student in a school setting, it can also be considered child abuse and may need to be reported to the State Department of Social Services.

Dimensions of the Problem: Sexual harassment is a serious problem. In the Acton Public and Acton-Boxborough Regional Schools it is taken very seriously. There may be serious effects on victims, from the loss of self-esteem to more serious physical and psychological effects.

Complaint and Investigative Procedures: Always take every report of sexual harassment seriously and take action immediately. Don't prejudge the merits of the complaint. When a complaint is made, a complaint form must be filed by the principal/administrator with a copy to the Title IX Coordinator. Many times, situations involving relatively minor student-to-student non-physical harassment can be quickly and quietly resolved if the alleged harasser is made aware of the offending behavior by a third party (see, for example, Sexual Harassment Letter). If a complaint cannot be resolved promptly in such an informal manner, more formal means of resolution must be provided.

If any student, volunteer or contractor believes that he/she has been subjected to any form of sexual harassment, the individual should report the incident as promptly as possible (but no later than six months from the time of the incident.)

- A student should report the matter to any staff member or principal/ assistant principal with whom the student feels comfortable. If a staff member receives a complaint from a student, he/she should report the matter immediately to the appropriate principal/assistant principal.
- A complaint by a parent may, on a student's behalf, also be made to the principal/assistant principal. The complaint should be in writing.
- A volunteer should report the matter to his/her principal/administrator. A contractor should report the matter to a principal/administrator.
- At any time anyone may report a complaint directly to the Title IX Coordinator.
- In cases of sexual harassment requiring a formal investigation to determine whether or not the accusation is justified, it is usually appropriate to have a faculty member of the same gender as the accuser present at all discussions with the accuser involving the case.
- In all cases, it is important to keep the investigating group as small as possible to protect the rights of both parties.

The principal/administrator will investigate the matter and complete a Sexual Harassment Complaint form. Either party may discuss the matter directly with the Title IX Coordinator. If the matter is resolved at the principal/ administrator stage, a report will be filed with the Title IX Coordinator and shared with both the complainant and the person(s) accused of harassment. If the matter is not resolved, the Title IX Coordinator will continue the investigation with the principal/administrator in order to seek resolution.

If the complainant is not satisfied with the Title IX Coordinator's response, he/she may submit a written appeal to the Superintendent within five days. The appeal should contain the specific reason why the complainant is dissatisfied with the response. The nature of the complaint, the parties involved, and the relief sought should also be delineated in the appeal. The Superintendent will consider the appeal and respond to the complainant after receipt of the appeal, normally within 15 days of receipt.

Disciplinary Action:

- Any employee, volunteer, contractor or student found to have engaged in any form of sexual harassment will be subject to disciplinary action.
- In the case of a student, disciplinary action may include suspension and/or exclusion from school.
- Students and employees who have been found to have engaged in sexual harassment may be required to seek counseling and provide documentation of involvement in a therapeutic intervention program as part of the disciplinary action.
- In the case of an employee, disciplinary action may include suspension and/or dismissal. In the case of a volunteer or contractor, his/her services may be terminated.
- The appropriate administrator(s), in consultation with the Title IX Coordinator, will recommend disciplinary action, if indicated.

Retaliation: Retaliation in any form against any person who has filed a complaint relating to sexual harassment is forbidden. If it occurs, it could be considered grounds for dismissal of staff personnel or removal from the educational setting for a student.

Confidentiality: Reports of sexual harassment should be kept confidential to the greatest extent possible, involving as few people as possible, with the goal of protecting both parties and stopping any inappropriate behavior. Harassment complaint forms and related documents should be kept in a secure place.

Counseling: Victims of sexual harassment are also encouraged to find relief and closure through the school district's counseling service.

For further information about these guidelines or help with sexual harassment problems, consult the Title IX Coordinator. The Title IX Coordinator is the primary resource person and has overall responsibility for the school systems' compliance.

- * These procedures also apply for volunteers and contractors.