

<b>PERSONNEL</b>	<b>G</b>
<b>SEXUAL HARASSMENT</b>	<b>GBCD</b>
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**Lincoln School Department’s State of Philosophy**

The Lincoln School Department is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the Lincoln School Department sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

**Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, promotion or other aspects of employment; 2) this conduct substantially interferes with an individual’s employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual’s body, sexual prowess or deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive insulting, obscene comments or gestures; display in the work place sexually suggestive objects or pictures.

This behavior is unacceptable in the workplace itself and in other work-related settings such as school department trips, sporting events, school department social or academic events, or other extra-curricular activities.

**Individuals Covered Under the Policy**

This policy covers School Committee Members, all employees (Administrators, Department Heads, Supervisors, Teachers and all other certified personnel, Teacher Aides, Secretaries, Custodians and all other support staff). The Lincoln School Department will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, administrators, department heads, supervisors, teachers, other certified personnel, teacher aides, secretaries, custodians or other support staff, or non-employees who conduct business with this School Department. The Lincoln School Department encourages reporting of all incidents of perceived sexual harassment, regardless of who the offender may be, including the reporting of such incidents by students.

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### **Reporting a Complaint**

While the Lincoln School Department encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the department also recognizes that status disparities between the alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

#### **1. Notification of Appropriate Staff**

Individuals who believe they have been subjected to sexual harassment should report the incident to the Personnel Coordinator.

An individual also may choose to report the complaint to his/her supervisor. If the supervisor successfully resolves the complaint in an informal manner, this policy requires the supervisor to file a confidential report to the Personnel Coordinator about the complaint and resolution so that the School Department will be aware of any pattern of harassment by a particular individual. A supervisor who has not had special training in dealing with sexual harassment complaints is strongly encouraged to consult a trained member of the School Department.

#### **2. Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct in order to effectively prepare and corroborate their allegations.

While the Lincoln School Department encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, the School Department hereby notifies all employees that, in the event that a lawsuit develops from a reported incident, the complainant's written notes may not be considered privileged information and, therefore, confidential unless such notes were originally made in anticipation of litigation.

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### **3. Timeframe for Reporting Complaint**

The Lincoln School Department encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on the individual, no limited timeframe will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude this School Department from taking remedial action.

### **4. Protection Against Retaliation**

The Lincoln School Department will not in any way retaliate against an individual who makes a report of sexual harassment nor permit any administrator, supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment offenders (see “Resolving the Complaint” below).

## **Investigating the Complaint**

### **1. Confidentiality**

Any allegation of sexual harassment brought to the attention of the Personnel Coordinator will be promptly investigated in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

### **2. Identification of Investigators**

Complaints will be investigated by the Personnel Coordinator and resolved by the Superintendent of Schools or his/her designee.

### **3. Investigation Process**

In pursuing the investigation, the investigator will try to take the wishes of the complainant under consideration, but should thoroughly investigate the matter as he/she sees fit, keeping the complainant informed as to the status of the investigation.

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Steps to be taken in the investigation include:

- Confirm name and position of complainant.
- Identify the alleged harasser.
- Thoroughly ascertain all facts that explain what happened.
- Questions should be asked in a non-judgmental manner.
- Determine frequency/type of alleged harassment and, if possible, the dates and locations where the alleged harassment occurred.
- Find out if there were any witnesses who observed the alleged harassment.
- Ask the individual how he/she responded to the alleged harassment.
- Determine whether the harassed individual consulted anyone else about the alleged harassment and take note of who else knows and their response to the disclosure.
- Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant. (Does the person control compensation, terms of employment or evaluations? Do these individuals work in close proximity to one another and/or in the same school, department, work area or classroom?)
- Determine whether the alleged harasser has carried out any threats or promises directed at the complainant.
- Does the complainant know of or suspect that there are individuals who have been harassed by the alleged harasser?
- Has the complainant informed other supervisors or employees of the situation? What response, if any, did complainant receive from these individuals?
- Ask the complainant what action he/she would like the department to take as a consequence of the harassment.
- When first interviewing the alleged harasser, remind him/her of the School Department's policy against retaliation for making a complaint of sexual harassment.

### **Resolving the Complaint**

Upon completing the investigation of a sexual harassment complaint, the School Department will communicate its findings and intended actions to the complainant and the alleged harasser.

If the investigator, together with any appropriate reviewing authority, finds that harassment occurred, the harasser will be subject to appropriate disciplinary action taken.

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If the investigator, together with the reviewing authority, determines that no sexual harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

In the event that no resolution satisfactory to both parties can be reached based on the initial investigation, the matter shall be referred to the Lincoln School Committee. See “Appeals Process.”

### **1. Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment will be severely disciplined, up to and including discharge. Appropriate sanctions will be determined by an administrator, the Superintendent of Schools or the School Committee, as appropriate, in accordance with the provisions of applicable statutes, collective bargaining agreements, employment contracts or other School Department policy. In addressing incidents of sexual harassment, the School Department’s response at a minimum will include reprimanding the offender and preparing a written record. Additional action may include: referral or recommendation of referral to counseling, reassignment, temporary suspension without pay, financial penalties or termination.

Although the School Department’s ability to discipline a non-employee harasser is limited by the degree of control, if any, that the School Department has over the alleged harasser any employee or supervisor who has been subjected to sexual harassment should file a complaint and be assured that action will be taken.

### **2. False Accusations**

If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

### **3. Appeals Process**

If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written appeal in a timely manner, in accordance with the provisions of any applicable collective bargaining agreement or to the School Committee. Either party may take such additional action or appeal as authorized by law.

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### **Maintaining a Written Record of the Complaint**

The Lincoln School Department shall maintain a complete record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the Office of the Superintendent of Schools.

Written records will be maintained for three years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

### **Conclusion**

The Lincoln School Department has developed this policy to ensure that all employees can work in an environment free from sexual harassment. The School Department will make every effort to ensure that all its personnel are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved.

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***TOWN OF LINCOLN SCHOOL COMMITTEE, Lincoln, Rhode Island***