

Sexual Harassment Grievance Procedures

Preface

A formal grievance may be filed at any time by a student, employee, administrator, and/or applicant who believes that his/her rights as outlined in the sexual harassment policy have been violated. Each student, faculty member, administrator, or staff member has an obligation to make every effort to resolve problems informally as they arise. All members of the Worcester Public Schools community are urged to resolve problems fairly and informally so that they do not become sources of grievances to be pursued formally through the grievance procedure. If a suitable solution cannot be reached informally through independent means, which may include consultation with the Chief Human Resource Officer, a formal grievance may be initiated.

Definitions

A "grievance" shall be a complaint by an individual alleging that there has been a violation of the sexual harassment policy.

Step I (Informal)

- a. Any and all grievances must be presented in writing within thirty (30) working days of the date when the grievant became aware, or should have been aware, of the event or events giving rise to the grievance. The person(s) opting to exercise the informal grievance procedure should so notify the concerned staff or faculty member, or administrator, present him/her with a written summary of the grievance and set up a time to meet and discuss the problem.
- b. However, due to the private and sensitive nature of sexual harassment, the grievant may choose a third party mediation to help resolve the grievance on an informal basis. Such mediation activities shall continue for a period of no more than twenty (20) days, or until resolution is achieved, if that is less. Should such resolution efforts fail in addressing these issues, the grievant may initiate the formal grievance procedure at Step II.
- c. This level is an alternative level, and a grievant is permitted at his/her discretion to initiate his/her action at Step II.

Step II

- a. If the grievant believes a further review of the grievance is warranted, he/she shall, within five (5) school/working days of receiving the Step I decision, notify the appropriate parties if he/she wishes to pursue the next step. In cases where this is the first formal step in an alleged sexual harassment charge, the grievant should forward the written grievance to the Chief Human Resource Officer.
- b. Once the Chief Human Resource Officer receives the grievance, he/she shall forward the grievance to the individual involved in the grievance, and to his/her supervisor.

The following individuals will be notified pursuant to Paragraph b:

1. If the person charged with sexual harassment is a teacher, notify the teacher and the principal of the school.
 2. If the person charged with sexual harassment is a non-instructional staff member, notify the person and his/her immediate supervisor.
 3. If the person charged with sexual harassment is a principal or administrator, notify the person and his/her immediate supervisor.
 4. If the person charged with sexual harassment is the Superintendent, notify the person and the Chairperson of the School Committee.
 5. If the person charged with sexual harassment is a student, notify the principal of the student's school.
 6. If the person charged with sexual harassment is a non-school personnel, notify the person and the principal of the school and/or the immediate supervisor of the school.
- c. Within ten (10) working days of receipt of the grievance, the aggrieved party, (as well as the accused) and the appropriate supervisor, as noted above, shall meet with the Chief Human Resource Officer to discuss the grievance.
 - d. The Chief Human Resource Officer shall respond in writing within five (5) working/school days following the discussion.

Step III

- a. If the grievant believes a further review of the grievance is justified, he/she may submit the grievance to the Superintendent within five (5) working/school days of receipt of the decision rendered under Step II. The grievance should be accompanied by a statement of the resolution sought and copies of all documents.
- b. Within fifteen (15) days of receipt of the grievance, the Superintendent shall review all previously written statements and resolutions and hold a hearing. The persons to be present at said hearing will consist of the Superintendent, the Chief Human Resource Officer, the grievant, the charged individual and the appropriate supervisor. The Superintendent may include other persons in the hearing process.
- c. In the event that the charged individual is the Superintendent, the persons to be present at said hearing will consist of the School Committee, the Chief Human Resource Officer, and the grievant. The School Committee, at its discretion, may include other persons in the hearing upon request of the grievant, the Superintendent, or other participants at this level.
- d. Within fifteen (15) working days after the hearing, the Superintendent and/or the Chairperson of the School Committee will render a determination in writing and take any appropriate action.

Step IV

- a. If the grievant still believes a further review of the grievance is justified at Step III, or in the event that no written response has been received within fifteen (15) working days of the hearing or the grievance, he/she may present a petition to the School Committee within five working days.
- b. Within fifteen (15) working days after hearing the petition, the School Committee will render a determination in writing and take any appropriate action.

Step V

- a. The School Committee will, within fifteen (15) working days, hold a hearing. The persons to be present at said hearing will consist of the Superintendent, the Chief Human Resource Officer, the grievant, the charged individual, and the appropriate supervisor. The School Committee, at its discretion, may include other persons in the hearing upon request of the grievant, the charged individual or other participants at this level.
- b. Within fifteen (15) working days after the hearing, the School Committee will render a determination in writing and take any appropriate action.

Miscellaneous Provisions

1. Grievance procedures for all employees and students regarding any matter follow a standard process, but can vary to accommodate the sensitivity of the charges, as well as the grievant or the individual, against whom the grievance is made.
2. Grievants are not limited to a formal grievance procedure, but may seek relief from other agencies, including the Equal Employment Opportunity Commission, the Massachusetts Commission Against Discrimination, or the Office of Civil Rights of the Department of Education.
3. Any retaliatory action of any kind taken by an employee or student of the Worcester Public Schools against any other employee or student of the Worcester Public Schools as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any proceeding under these procedures, is prohibited, and shall be regarded as a separate and distinct grievable matter.
4. Whenever a grievance involves issues of sexual harassment of any kind, the Chief Human Resource Officer shall be notified in writing by the grievant, or by the administrators or agents of the Worcester Public Schools to whom the grievance is brought. .
5. All grievance proceedings, informal and formal, **will to the greatest feasible extent, be held in confidence by all persons directly or indirectly involved in them.**
6. Failure of the grievant to meet the time specifications acknowledges the grievant's acceptance of the decision of the previous step. He/she forfeits the right to pursue the grievance further.
7. The Chief Human Resource Officer shall act as a resource for students and for the School Committee.

Penalties in Cases of Sexual Harassment

Remedial actions will depend on the severity of the incident. Due to the private nature of incidents involving sexual harassment and the emotional and moral complexities surrounding such issues, every effort will be made to resolve problems on an informal basis. When a grievance is resolved informally only a short summary of the incident will be maintained on file.

Any admission of guilt, an acknowledgment of the verbal warning, a promise not to commit such abuse again, and action taken to provide appropriate relief may be a sufficient resolution. At the informal stage, it is hoped to sensitize the person at fault to the effects of such behavior, to be constructive and not unduly punitive in the disciplinary action. If informal resolutions are not adhered to, or if no resolution can be agreed to at the formal stage, the Superintendent and/or the School Committee may deem it necessary to take appropriate action that can include formal letters of reprimand, suspension, or a recommendation of dismissal.