

**File: ACAC**

**Westfield Public Schools**  
**POLICY 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 prohibited, whether by students, school employees or third parties subject to the control of the Westfield Public Schools. 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 this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

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 other 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.

Be advised that our policy prohibits conduct or behavior of an offensive or sexual nature including that which may go beyond what is prohibited by law. The Administrative Regulations implementing this Policy provide more specific examples of conduct that is prohibited by this Policy.

### Procedure

It is the express policy of the Westfield Public Schools to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The school district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent possible. The school district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

### Legal References:

United States Constitution, Article XIV

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, *et seq.*

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Adopted: June 28, 2004