



## Superintendent's Circular

NUMBER:  
EQT-06  
Version 01

### **SEXUAL MISCONDUCT TOWARD EMPLOYEES AND OTHER THIRD PARTIES**

*This Circular will remain in effect unless rescinded or superseded  
by a subsequent version.*

The Boston Public Schools is committed to ensuring a work environment free of inappropriate sexual conduct. Inappropriate sexual comments or behavior will not be tolerated. In addition, any retaliation against an individual who reports inappropriate sexual conduct or harassment, or has cooperated with a related investigation, is unacceptable. The Boston Public Schools treats reports of violations of this policy with the utmost seriousness. We will respond promptly to any allegations of sexually inappropriate conduct and intervene to cease any conduct that violates this policy. Anyone who violates this policy will be subject to corrective action up to and including termination.

#### **DEFINITION OF SEXUAL HARASSMENT**

In Massachusetts, sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a) Submission to or rejection of such advances, requests, or conduct is made, either explicitly or implicitly, a term or condition of employment or as a basis for employment decisions; or
- b) Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Please note that while this policy sets forth the goal of promoting a workplace that is free of harassment, the policy is not designed or intended to limit the district's authority to discipline or take remedial action for workplace conduct that the district deems unacceptable, regardless of whether the conduct satisfies the definition of unlawful harassment.

The definition of inappropriate sexual communication and behavior is broad. Conduct that is sexual or perceived as sexual, and that is welcome or unwelcome, may constitute sexual harassment.

## **CONDUCT PROHIBITED**

Employees shall not engage in inappropriate sexual conduct while employed, working for, attending, or participating in district endeavors. Employees are protected from inappropriate sexual conduct by anyone they interact with in the course of their work. The same standard applies to partners or contractors providing services in or under the auspices of the Boston Public Schools. Behavior that occurs in a location other than a Boston Public Schools building or outside of BPS school or work hours,

including when an employee is working remotely, may still constitute sexual misconduct and a violation of this policy if that behavior has the effect of disrupting an employee's ability to do their job.

While it is not possible to list all circumstances that may constitute prohibited conduct, the following are some examples:

**VERBAL:** Using suggestive, derogatory, vulgar comments, or sexual innuendos or slurs; making unwanted sexual advances, invitations, and/or comments; repeatedly requesting dates; spreading rumors about or rating others as to their sexual activity or performance; making threats or pressuring others to submit to sexual requests; inquiring into one's sexual activities or orientation.

**VISUAL:** Displaying sexually suggestive objects, pictures, posters, written material, cartoons, or drawings; texting, emailing, or sharing digital images or comments of a sexual nature; using sexual gestures.

**PHYSICAL:** Sexual activity, whether or not it is consensual, in a school or any building where BPS business is conducted. Participating in unwanted touching, pinching, kissing, hugging; blocking normal movement; stalking; engaging in unwanted sexual acts or assault; physically interfering with an individual's work because of their actual or perceived sex, sexual orientation, gender identity, or gender expression.

## RESPONDING TO REPORTS OF SEXUAL MISCONDUCT

An employee who believes that they have been a target of inappropriate sexual conduct may report the incident to any of the following individuals: school principal/head of school, school superintendent, or the Office of Equity.

1. If an employee believes that they have been subjected to inappropriate sexual conduct or have witnessed inappropriate sexual conduct, the employee has the right to file a report with the Boston Police.
2. The aggrieved employee also has the right to file a report with the Boston Public Schools Office of Equity, either orally or in writing, at 617-635-9650 or [bpsequity@bostonpublicschools.org](mailto:bpsequity@bostonpublicschools.org).
3. Employees in supervisory or managerial roles have an obligation to report any employee complaint of sexual misconduct to the Office of Equity within two (2) business days of learning of the complaint. The person submitting the report must ensure the integrity and confidentiality of the report and shall not disclose the allegations or any related information to either party or to any third party, excepting the Office of Equity, unless required by law.

Employees in a supervisory capacity are required to report possible sexual misconduct toward or involving employees, vendors, or contractors to the Office of Equity as soon as practicable, generally within the same school day.

After a report is filed, the Office of Equity or the office's designee will promptly investigate the allegation in a fair and expeditious manner. The investigation may include a private interview with the person filing the report, the person alleged to have engaged in sexually inappropriate conduct, and other witnesses. In some circumstances, as determined by the Office of Equity, the person alleged to have engaged in the conduct may be placed on administrative leave pending the outcome of the investigation. BPS employees are obliged to cooperate with the investigation, including promptly participating in investigatory interviews, and providing any requested information or documents.

If Boston Public Schools finds that there has been a violation of this policy, the district will take action to eliminate the conduct. Disciplinary action for employees may include warnings, reprimands, required training, suspension or termination of employment, or other discipline as appropriate.

When the investigation is completed, the Office of Equity will inform the reporter and the person alleged to have engaged in the conduct of the results of the investigation to the extent appropriate under the circumstances.

## **PROHIBITION OF RETALIATION**

Retaliation against an individual who reports inappropriate sexual conduct, sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment allegation is unlawful and will not be tolerated by the Boston Public Schools.

## STATE AND FEDERAL REMEDIES

If you believe you have been subjected to unlawful sexual harassment, you may also file a formal complaint with either of the government agencies set forth below. Using the district's internal reporting process does not preclude you from filing a complaint with these agencies. Each agency has a short time period for filing a claim (300 days).

Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800) 660-4000

Massachusetts Commission Against Discrimination (MCAD)

Office Location:	Address:
Boston	One Ashburton Place, Room 601 Boston, MA 02108 (617) 994-6000
Springfield	436 Dwight Street, Suite 220 Springfield, MA 01103 (413) 739-2145
New Bedford	800 Purchase Street, Room 501 New Bedford, MA 02740 (508) 990-2390
Worcester	484 Main Street, Room 320 Worcester, MA 01608 (508) 453-9630

**For more information about this circular, contact:**

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Mary Skipper, Superintendent