

PROHIBITION OF HARASSMENT

The Acton-Boxborough Regional School District is committed to maintaining a school environment where all individuals are treated with dignity and respect. Therefore, the District will take appropriate action to:

- Prevent and/or otherwise respond to any unlawful discrimination or harassment of any of its employees or students, and
- Provide a process by which individuals can bring any concerns about unlawful discrimination or harassment to the Schools' attention for resolution.

The School/District will not tolerate harassment of their employees or students, as outlined in the Notice of Nondiscrimination policy AC, in the administration of its educational policies, employment policies, and other administered programs and activities. In addition, students who are homeless or of limited English-speaking ability are protected from discrimination in accessing the course of study and other opportunities available through the schools.

Definition of Harassment

Harassment includes verbal or physical conduct which may offend, denigrate, or belittle any person because of, or due to, any of the characteristics described above. Such conduct includes pictures, jokes, comments, innuendoes, slurs, derogatory remarks based on a protected characteristic or any other behavior which creates an environment that is intimidating, hostile, or offensive to anyone.

It is unlawful to retaliate against, or punish, any individual who files a complaint of harassment or discrimination, or who cooperates in an investigation of such a complaint. The Schools will not tolerate any such retaliation, and individuals who engage in retaliation will be subject to termination/expulsion or other sanctions determined by the School Administration and/or School Committee, subject to applicable school system policies and procedures, as well as applicable contractual requirements.

Definition of Sexual Harassment

While all types of harassment are prohibited, sexual harassment requires particular attention. In Massachusetts, the definition of sexual harassment is as follows:

Sexual harassment is any unwelcome sexual conduct, including sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- Submission to, acceptance of, 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 decisions affecting an employee or for educational, disciplinary, or other decisions affecting a student; or

- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in extracurricular activities by creating an intimidating, hostile, humiliating, or offensive work or school environment.

While it is not possible to list all of the actions that would be considered sexual harassment, some examples are:

- Unwelcome sexual advances, whether or not they involve physical touching; sexual assault, or coerced sexual acts;
- Requests for sexual favors in exchange for actual or promised job benefits such as a favorable review, salary increases, promotions, increased benefits, or continued employment or for actual or promised education related benefits such as higher grades or favorable references.
- Sexual gestures; suggestive or sexually insulting comments, epithets, or jokes; written or verbal references about sexual conduct;
- Displaying sexually suggestive objects, pictures, or cartoons.
- Demonstrating supervisory or educational favoritism toward certain individuals over others based on a sexual relationship.

Complaints

An **employee** who believes that s/he has been harassed should notify immediately:

Deputy Superintendent
Acton-Boxborough Regional School District
15 Charter Road
Acton, MA 01720
978-264-4700 x3209

If an employee does not wish to discuss the issue with the Deputy Superintendent or feels that s/he is not addressing the problem in an effective manner, the employee should contact:

Superintendent of Schools
Acton-Boxborough Regional School District
15 Charter Road
Acton, MA 01720
978-264-4700 x3206

A **student** who believes that s/he has been harassed should notify immediately a teacher, counselor, or administrator who in turn will notify the building principal. As an alternative, a student may report directly to the building principal.

All employees of the Schools must respond to suspected harassment and to complaints by students of harassment by notifying the building principal. Employees are expected to take every report of harassment seriously.

A **student** may also file a complaint alleging harassment by contacting:

Acton-Boxborough Regional School District

Assistant Superintendent for Diversity, Equity, and Inclusion
Acton-Boxborough Regional School District
15 Charter Road
Acton, MA 01720
978-264-4700 x3265

If a student does not wish to discuss the issue with other school staff or feels that the staff is not addressing the problem in an effective manner, the student should contact:

Superintendent of Schools
Acton-Boxborough Regional School District
15 Charter Road
Acton, MA 01720
978-264-4700 x3206

The Assistant Superintendent for Diversity, Equity, and Inclusion and the Deputy Superintendent as listed above are also available to provide information about this policy and the Acton-Boxborough Regional School District's complaint process.

Investigation, Corrective Action & Closure of a Complaint

The Schools will investigate promptly every complaint of harassment, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. The Assistant Superintendent for Student Services and/or the Deputy Superintendent will coordinate the investigation. Typical steps in an investigation include separate interviews with those involved, putting statements from each party in writing, identifying and questioning witnesses, and other appropriate actions. The Schools will conduct the investigation with as much confidentiality and privacy for the parties as possible without compromising the thoroughness of the investigation. The Schools will caution all participants in the investigation to limit discussions to those staff directly involved in the investigation and to treat the matter as confidential. Individuals are expected to cooperate fully in any investigation. Failure to do so may result in disciplinary action up to and including termination/expulsion.

The Schools will endeavor to complete the investigation within thirty (30) school days of receiving the complaint, unless the nature of the investigation or exigent circumstances dictate otherwise, in which case the investigation will be completed as quickly as practicable. Also, if the respondent is subject to a collective bargaining agreement that sets forth a specific time line for notice and/or investigation of a complaint, such time line will be followed.

If the Schools determine that harassment or retaliation for complaining of harassment or participating in a harassment investigation has occurred, the Schools will take appropriate action promptly to stop the offending conduct and ensure that it is not repeated. Depending on the severity of the incident (s), such corrective action may include counseling, training, a verbal or written warning, suspension, or termination/expulsion.

In certain cases, harassment and, in particular, sexual harassment of a student may constitute child abuse under Massachusetts law. The Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse.

When the Schools have completed their investigation, school personnel will, to the extent appropriate, inform the person filing the complaint of the results of that investigation and will file a report with the Coordinator for Title IX/Section 504 of the Rehabilitation Act/Chapter 622.

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It should be noted that while this policy sets forth the goal of the Schools in promoting a work and educational environment that is free of harassment based upon race, color, religion, national origin, age, sex, gender identity, sexual orientation, disability, genetic information, or military status, the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

State and Federal Agencies

The Schools urge all individuals in the school community to bring any concerns or complaints of harassment to the attention of school personnel so that we can address them. If either party to the complaint is dissatisfied with the results or progress of the Schools' investigation, they may discuss this directly with the Superintendent of Schools.

The state agency responsible for enforcing laws that prohibit harassment in the workplace is the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108-1518; telephone (617) 994-6000; TTY Users (617) 994-6196. The time frame for filing a complaint with the MCAD is 300 days from the date of the most recent incident of alleged harassment. The state agency responsible for insuring that Massachusetts public schools do not discriminate on the basis of protected characteristics is the Massachusetts Department of Elementary and Secondary Education (DESE), 75 Pleasant Street, Malden, MA 02148-4906; telephone (781) 338-3300; TTY Users (800) 439-2370. The MA DESE's Program Quality Assurance Services (PQA) accepts complaints when the alleged violation occurred no more than one year before PQA received the written complaint.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination. The deadline for filing a complaint with the EEOC is within 300 days from the day of the alleged discrimination. The EEOC is located at JFK Federal Bldg., 475 Government Center, Boston, MA 02203; (617) 565-3200 or (800) 669-4000; TTY Users (800) 669-6820. The US Department of Education's Office for Civil Rights (OCR) is a federal agency that enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the US Department of Education. In most cases, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination. OCR is located on the 8th Floor, 5 Post Office Square, Boston, MA 02109-3921; telephone (617) 289-0111, fax (617) 289-0150.

References:

Mass. Gen. Laws CH. 151B
Mass. Gen. Laws Ch. 76, s. 5/Chapter 622
Title VI of the Civil Rights Act of 1964
Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Age Discrimination in Employment Act of 1967
Americans with Disabilities Act of 1990
Section 504 of the Rehabilitation Act of 1973

Approved on: 12/5/13, 3/7/13, 6/29/16

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