File: JBA - POLICY AGAINST HARASSMENT AND DISCRIMINATION FOR STUDENTS

Anti-Discrimination and Harassment Policy

The Berlin-Boylston Public Schools are committed to maintaining a school environment free of harassment and/or discrimination based on race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, homelessness, disability, gender identity, veteran status and genetic information. Harassment by administrators, certified and support personnel, students, vendors and other individuals at school or at school sponsored events is unlawful and is strictly prohibited. The Berlin-Boylston Public Schools require all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

It shall be a violation of this policy to harass, discriminate, bully, intimidate, threaten, insult, retaliate or otherwise engage in any conduct, whether verbal or physical, against any individual based upon their race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, homelessness, disability, gender identity, veteran status and genetic information.

The Berlin-Boylston Public Schools take allegations of discrimination, harassment, and sexual harassment seriously, and will respond promptly to any complaints of potential violations of this policy. Further, any retaliation against an individual who has complained of, or has cooperated in an investigation of a complaint, about discrimination, harassment or sexual harassment shall not be tolerated. If the Berlin-Boylston Public Schools find that an individual has violated this policy, we will act promptly to eliminate the conduct, impose corrective action as necessary, including disciplinary action where appropriate. Nothing in this policy shall limit our authority to discipline or take remedial action for conduct that is deemed to be a violation of this policy.

Definitions of Harassment and Discrimination

Discrimination and harassment consists of any unwelcome conduct that is based on race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, homelessness, disability, gender identity, veteran status and genetic information. Such conduct may include, but is not limited to, offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, mockery, insults, ridicule, offensive pictures or objects, or any other offensive conduct that interferes with the educational process. It shall be a violation of this policy to engage in any the aforementioned conduct, or to create an educational environment that is intimidating, hostile or abusive.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior, may reasonably be viewed as harassment by another person. Therefore, individuals should consider how their words and actions might reasonably be viewed by other individuals. It is also important for individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile or offensive.

It is also a violation of this policy to engage in conduct that that is construed as sexual harassment. Sexual harassment includes, but is not limited to, 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, academic standing, school-related opportunities 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 school and/or work performance by creating an intimidating, hostile, humiliating or sexually offensive educational or work environment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness, and which constitute a violation of this policy:

Unwelcome sexual advances, whether they involve physical touching or not;
Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity, deficiencies or prowess;
Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
Displaying sexually suggestive objects, pictures and cartoons;
Inquiring into one's sexual experiences; and
Discussion of one's sexual activities.

It is also a violation of this policy to engage in any form of retaliation against an individual that has complained about discrimination or harassment, including sexual harassment, or against any individual that is cooperating in an investigation of a discrimination, harassment or sexual harassment complaint.

Harassment and discrimination in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, volunteers, vendors and other individuals in school or at school related events. Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion; or other sanctions as determined by the school administration and/or school committee, subject to applicable procedural requirements.

Investigation

Any individual who believes he/she has been harassed, or discriminated against, or who has witnessed or learned about the harassment or discrimination of another person in the school environment, should inform the Principal as soon as possible. If any individual believes that he/she has been subjected to harassment or discrimination, then the individual's complaint may be made orally or in writing. If the individual does not wish to discuss the issue with the Principal, or if the Principal does not address the problem in an effective manner, the individual should inform:

Director of Pupil Personnel Services
Berlin-Boylston Public Schools
215 Main Street
Boylston, MA 01505
(508) 869-2837 x1105

Or

Director of Curriculum and Grants
Berlin-Boylston Public Schools
215 Main Street
Boylston, MA 01505
(508) 869-2837 x1111

The Berlin-Boylston Public Schools will promptly investigate every complaint of harassment. The Berlin-Boylston Public Schools take allegations of discrimination, harassment, and sexual harassment seriously, and will investigate and respond promptly to any complaints of potential violations of this policy. The investigation will include interviewing the individual filing the complaint, as well as any witnesses. To the extent practicable under the circumstances, the investigation will be kept confidential. If it determines that harassment or discrimination has occurred, it will take appropriate action to end the conduct that is in violation of this policy, and to ensure that it is not repeated. Confidentiality will be maintained to the extent consistent with the school's obligations under law and under applicable collective bargaining agreements.

In certain cases, the harassment of a student may constitute child abuse under Massachusetts Law. The Berlin-Boylston Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

Any staff member or student who is dissatisfied with the results or progress of the investigation by the Berlin-Boylston Public Schools may discuss his/her dissatisfaction directly with the Superintendent of Schools:

Office of the Superintendent
Berlin-Boylston Public Schools
215 Main Street
Boylston, MA 01505
(508) 869-2837 x1107

In addition to the above, if an individual believes that they have been subjected to discrimination or harassment may file a formal complaint with either or both of these government agencies:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
(617)727-3990

Office for Civil Rights
US Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111

Closure of a Complaint

When an investigation has been completed, school personnel will inform the complainant of the results and file a report with the Coordinator for Title IX/Section 504 of the Rehabilitation Act/Chapter 622.

The Berlin-Boylston Public Schools urge all individuals in the school community to bring any concerns or complaints of harassment or discrimination to the attention of school personnel so that they can resolve the issue.

Notice of Non-discrimination

The Berlin-Boylston Public Schools do not discriminate on the basis of race, color, religion, national origin, age, gender, sexual orientation, disability, ancestry, gender identity, veteran status, genetic information or homelessness in admission to, access to, employment in, or treatment in its programs and activities.

The Coordinator for Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Chapter 622 of the Acts of 1971 for the Berlin-Boylston Public Schools is:

Director of Pupil Personnel Services
Berlin-Boylston Public Schools
215 Main Street
Boylston, MA 01505
(508) 869-2837 x1105

Or

Director of Curriculum and Grants
Berlin-Boylston Public Schools
215 Main Street
Boylston, MA 01505
(508) 869-2837 x1111

Inquiries regarding the application of the Berlin-Boylston Public Schools' nondiscrimination policy may be referred to Title IX Coordinator as named above, or the Assistant Secretary for Civil Rights, U.S Department of Education, Washington, D.C. 20202 (or the Regional Director, U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square

Boston, MA 02109-3921, 617-289-0111).

Approved: Berlin-Boylston Regional/Union #60 School Committee - November 28, 2017
Boylston School Committee - December 19, 2017
Berlin School Committee - November 28, 2017
Berlin-Boylston Regional School Committee – February 11, 2025