

Harassment

Policy Information

Series A - Foundations and Commitments

Harassment

Policy # ACB

FILE: ACB

ADULT ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE

I. Policy

It is the policy of the Bourne Public Schools to provide an atmosphere for all employees, visitors and/or contractors free from discrimination and/or harassment. Discrimination, including harassment, (hereinafter referred to as harassment) on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age or disability (hereinafter membership in a protected class) will not be tolerated. Retaliation against any employee, visitor, contractor, and/or other individual who has complained of discrimination, including harassment, or individuals, who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to prevent recurrence of such conduct, and will also develop procedures to accomplish this end. The district is responsible for providing a nondiscriminatory educational environment free from harassment, and to that end will enforce this policy in cases where harassment of an employee, visitor, and/or contractor is the result of actions not only by its agents and/or employees but also by students, outside contractors of the district, and/or others who have permission to be in contact with students.

II. Definitions

A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.

B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment.

C. Hostile Environment: Harassment also occurs when harassing conduct (e.g., physical, verbal, graphic, or written) creates a hostile environment which interferes with and/or limits the ability of an individual to work and/or to participate in or benefit from the services, activities or privileges provided by the Bourne Public Schools. To determine whether a hostile environment exists, the harassment must be severe, pervasive or persistent. The harassment must in most cases consist of more than casual or isolated incidents to establish a violation of this policy. To determine severity, the nature of the incidents will also be considered. Evidence may reflect whether the conduct was verbal or physical and other relevant facts which help define the nature of the incident. In some cases, a hostile environment requiring appropriate responsive action may result from a single incident that is

sufficiently severe. If it is determined that the harassment was sufficiently severe that it would have adversely affected the ability of an individual to work and/or to participate in or benefit from the services, activities or privileges provided by the Bourne Public Schools., the district will find that a hostile environment existed.

D. Harassing conduct based on a person's protected status may include, but is not limited to:

1. Degrading, demeaning, insulting, or abusive verbal or written statements;
2. Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
3. Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property;
4. Telling degrading or offensive jokes;
5. Unwanted physical contact of any kind;
6. Physical violence, threats of bodily harm, physical intimidation, or stalking;
7. Threatening letter, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
8. Defacing, damaging, or destroying school or another's property.

E. The Bourne School District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

III. Harassment Prohibited

A. Harassment: Unwelcome verbal, written or physical conduct directed at a person based on His/her:

1. Disability - disability or perceived disability, including damaging or interfering with use of necessary, equipment, imitating manner of movement, using disability-related slurs, or invading personal space to intimidate.
2. National Origin - national origin, ancestry, or ethnic background such as negative comments about surnames, customs, language, accents, immigration status or manner of speaking.
3. Race - race or color, including racial slurs or insults based on characteristics of a person's race or color, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.
4. Religion - religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.
5. Gender Identity - actual or perceived gender identity, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.
6. Sexual Orientation - actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.
7. Age actual or perceived less favorable treatment because of age such as offensive remarks about a person's age; slurs or insults based on actual or perceived characteristics of a person's age; graffiti or symbols promoting age related stereotypes; hostile acts based on age; nicknames based on age related stereotypes; negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

8. Sex actual or perceived less favorable treatment because of gender; slurs or insults based on actual or perceived characteristics of a person's gender; sexist and/obscene graffiti or symbols; hostile acts based on gender, nicknames based on gender stereotypes; negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

B. Sexual Harassment:

See Policy ACAB: ADULT SEXUAL HARASSMENT POLICY OF THE BOURNE PUBLIC SCHOOLS for policies and procedures dealing with the sexual harassment of adults.

C. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone harassment in school, or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.

D. This policy is not designed or intended to limit the school's authority to take disciplinary action and/or to take remedial action when such harassment occurs out of school but has a connection to school or is disruptive to or participation in school related activities. Reports of cyber harassment by electronic or other means occurring in or out of school will be reviewed and, when a connection to school exists, will result in discipline.

E. It is responsibility of every employee, contractor, student and/or parent to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.

F. Complaints of discrimination against and/or harassment of students on must be brought under the Student Anti-Harassment Policy and Grievance Procedure, Policy JIIA.

IV. Grievance Procedure

A. Any employee, visitor, and/or contractor who believes that he or she has been subjected to discrimination and/or harassment has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any and all information received.

B. Any person who believes she or he has been subjected to discrimination and/or harassment may file a grievance under this procedure. This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies or to seek private counsel for complaints alleging discrimination.

C. It is against the law and a violation of this policy for the ***Bourne School District*** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

D. Procedure:

1. Grievances must be submitted to the Superintendent of Schools[1] within ***ninety (90) days*** of the date the person filing the grievance becomes aware of the alleged discrimination and/or harassment. The Superintendent of Schools will forthwith forward grievances to the Civil Rights Officer to be processed in accordance with this procedure. This time limit may be waived as determined by the Civil Rights Officer on a case by case basis to avoid

injustice. It is the policy of the *Bourne School District* to process all grievances in a fair, expeditious and confidential manner to the extent possible.

2. A grievance must be in writing, containing the name and address of the person filing it, but if necessary, the Civil Rights Officer will assist the complaining party in drafting the complaint.
3. The complaint must state the problem(s) or action(s) alleged to be discrimination and/or harassment and the remedy or relief sought. If the complaining party consents, the Civil Rights Officer will transmit the grievance to the appropriate principal for possible informal resolution. If the complaining party consents to informal resolution, he/she may at any time opt to return to the formal complaint process.
4. Upon receipt of a grievance, the Civil Rights Officer shall make the complaining party aware of the availability of interim measures such as counseling, stay away mechanisms, and/or academic adjustments while the grievance is being investigated and decided.
5. If no informal resolution is achieved within 14 days of such referral, or if the complaining party did not consent to a referral, the Civil Rights Officer (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to present witnesses and/or submit evidence relevant to the complaint.
6. If there is no resolution in the course of the investigation, the Civil Rights Officer (or her/his designee) will prepare a written report of the investigation within forty-five (45) days of the receipt of the written grievance, which shall include the following:
 - a) A clear statement of the allegations of the grievance and remedy sought by the grievant.
 - b) A statement of the facts as found by the Officer.
 - c) A list of all witnesses interviewed and documents reviewed during the investigation.
 - d) A narrative describing attempts to resolve the grievance.
 - e) The Officer's conclusion based on the preponderance of the evidence as to whether the allegations in the grievance are meritorious. If the Officer believes the grievance as valid, the Officer will recommend appropriate action to the Superintendent of Schools.
7. The Civil Rights Officer will maintain the files and records of the Bourne School District relating to such grievances.
8. The person filing the grievance may appeal the decision of the Civil Rights Officer by writing to the Superintendent of Schools within 21 days of receiving the Civil Rights Officer's decision.
9. The Superintendent of Schools shall conduct a hearing, and issue a written decision in response to the appeal based on the preponderance of the evidence no later than 45 days after its filing. A copy of said decision will be mailed to all parties and their representatives, if any; on the date it is issued. If a grievance is taken to the Superintendent for a hearing, the parties shall have the right to representation at their own expense and to present witnesses and evidence for consideration by the Superintendent of Schools. The scope of the witnesses and evidence presented to the Superintendent may extend beyond that that presented to the Civil Rights Officer.
10. In the event that that it is determined that discrimination and/or harassment in violation of this policy has occurred, the Bourne Public Schools will act promptly to take the actions

necessary to end the discrimination and prevent its reoccurrence. Such steps include but are not limited to discipline of students and/or employees; referral of perpetrators to state and/or federal authorities for further action as appropriate; restricting contact between perpetrators and the victims of such conduct, and/or academic adjustments. Additionally, the Bourne Public Schools will promptly take reasonable steps to remedy the effects of the discrimination and/or harassment on the victims thereof.

V. Other Options for Complainng Party

Using the Bourne Public Schools' investigation and grievance procedure does not prohibit the filing of a formal complaint with the government agencies set forth below. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days; OCR within 180 calendar days after the harassment occurred.).

At any time during the process, a grievant may file a complaint with any of these agencies.

The United States Equal Employment Opportunity Commission ("EEOC")

Location: John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196

The Massachusetts Commission against Discrimination ("MCAD")

One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Telephone: 617-994-6000
TTY: 617-994-6196

U.S. Department of Education Office for Civil Rights (OCR)

U.S. Department of Education
Office of Civil Rights
J.W. McCormack Post Office and Courthouse
5 Post Office Square, 8th Floor
Boston, MA 02109-4577
617.289.0111

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