

HARASSMENT POLICY

I. GENERAL STATEMENT

The Wareham Public School System is committed to providing faculty, staff, and students with a learning and working environment that is free from harassment (verbal and/or physical) based on gender, race, religion, national origin, ethnic background, color, age, sexual orientation, gender identity or disability. The goal is to maintain a school climate that is supportive, respectful of all school community members, and conducive to learning.

It is a violation of this policy for any teacher, pupil, visitor to the school, administrator, or other school personnel to harass, in any way on school grounds or during school activities, any person associated with the system. This policy precludes any sexual relationship between an employee of Wareham Public Schools and any current pupil. The system will address all complaints of harassment. A violation of this policy will result in appropriate action(s) by the Wareham Public School System. Discipline of employees will be in accordance with the respective collective bargaining agreements.

It is the responsibility of all members of the school community to treat each other respectfully. In addition, all members are expected to become familiar with this harassment policy and to report incidents of harassment to school authorities.

II. DEFINITION

Harassment is defined as conduct that:

- 1) unreasonably interferes with an individual's work or educational performance or
- 2) creates an intimidating, hostile, or offensive work or educational environment.

While this policy on harassment goes beyond the issues of gender and sexual harassment to include race, religion, national origin, ethnic background, color, age, or disability, there are specific laws and regulations relating to gender and sexual harassment that are of prime importance and these are reviewed briefly below.

Federal and State Law on Harassment:

Sexual harassment in public schools is sex discrimination, and therefore is prohibited by federal and state laws. Title IX of the federal Education Amendments of 1972 (20 U.S.C. 1681) states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Actions which constitute different treatment based on sex, such as denial of the opportunity to participate in courses, activities, and sports or different treatment in grading or discipline, are prohibited under Title IX.

The federal law protecting school employees from discrimination based on gender is Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) has developed guidelines that define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- 1) submission to such conduct is made, either explicitly or implicitly, a requirement of employment
- 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

Although the EEOC guidelines were written for employment situations, they have generally been adopted for the educational environment as well, and provide the basis for defining sexual harassment as it involves students.

Massachusetts law on fair educational practices (Chapter 151C of the Mass. General Laws) defines sexual harassment as follows: any sexual advance, 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 the provision of the benefits, privileges or placement services, or as a basis for the evaluation of academic achievement; or
- 2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

III. EXAMPLES OF SEXUAL HARASSMENT

- Telling sexual jokes or stories
- Making sexual comments about a person's clothing, anatomy, or appearance
- Repeatedly asking out a person who is not interested
- Telling lies, spreading rumors, or gossiping about any person's sex life
- Whistling, catcalls, making kissing sounds, smacking lips
- Name calling, teasing, or other derogatory or dehumanizing sexual remarks
- Following a person or blocking a person's path
- Drawing or displaying sexually explicit or suggestive posters, cartoons, pictures, calendars, designs on clothing, or other similar materials
- Making sexual gestures with hands or body movements
- Giving unwanted gifts of a personal or suggestive nature
- Unwanted touching of people, their hair, or their clothing
- Unwanted hugging, kissing, pinching, patting, or stroking
- Inappropriate displays of affection
- Assault, attempted rape, or rape

IV. COMPLAINT PROCEDURES

Any student, staff member, or visitor to our community who believes that s/he has been the victim of harassment (as defined above) by a teacher, pupil, visitor, administrator or other personnel of the Wareham Public Schools should report the incident within one month of the occurrence, or as soon as possible. Those who have knowledge of any harassment must report an incident immediately. Reports made outside this time frame will be considered on a case by case basis.

Depending on the circumstances and seriousness of the incident, interventions can range from informal to formal. Informal interventions include immediately and effectively addressing the situation, for example, by encouraging people to identify the difficulty, talk it out, and agree on how to deal with it. If such a mediation does not work or if the situation warrants further action, a formal harassment complaint can be made.

A harassment complaint may be made to the principal, equity coordinator, teacher, counselor or any other school personnel with whom the complainant feels comfortable. If the report is to someone other than the principal it becomes the responsibility of that person to report the complaint to the principal in writing using the forms that are available in every principal's office or in the Office of the Superintendent of Schools.

So that all members of the school community will be made secure in bringing forth complaints, a volunteer member of the faculty from each building will be designated as an equity coordinator. Ideally, the equity coordinator will not be of the same gender as the principal. If the complaint involves the principal/supervisor, then the complainant may file the complaint with the Superintendent of Schools (508-291-3500) or the Title IX/Chapter 622 Coordinator (508-291-3500).

Upon receiving a complaint, the equity coordinator, or other member of the school community shall immediately notify the building principal who shall serve as the complaint hearing officer. The building principal or designee will **immediately** address the concern. Within twelve (12)

working days, the principal shall forward all complaints to the Superintendent of Schools and the Title IX/Chapter 622 Coordinator/Director of Student Services (508-291-3500).

The hearing officer shall respect, as much as possible, the privacy of the complainant, the person against whom the complaint is filed, and all witnesses. **ALTHOUGH EFFORTS WILL BE TAKEN TO PROTECT CONFIDENTIALITY, THIS IS NOT ALWAYS POSSIBLE IN HARASSMENT INVESTIGATIONS.**

In the event that students are involved in serious allegations as victim, perpetrator, or witnesses, the principal/designee will notify the parents and/or guardians of the allegations in a timely manner using appropriate discretion in the notification.

All complaints will be taken seriously. While the rights of all individuals will be protected, a program for monitoring an alleged situation of harassment will be developed immediately to prevent the possibility of any recurrence of the behavior. **Retaliation against a complainant will not be tolerated.** Appropriate disciplinary action will be taken against any party involved in the retaliation.

The penalty for harassment of member(s) of our school community will reflect the severity of the offense. Penalties may include, but will not be limited to any one or combination of the following: verbal admonition, written reprimand, suspension or expulsion from school, and/or counseling. Employees may be suspended without pay and/or terminated in accordance with procedures specified in the respective bargaining agreements.

V. INVESTIGATIVE PROCEDURES

The principal or designee shall consider every report of harassment seriously and shall investigate all reports immediately. The Title IX/622 Coordinator and other staff (e.g. school psychologist) shall assist the school hearing officer, as needed, in the investigative procedures and the identification and delivery of all necessary services to concerned individuals.

The person issuing the complaint as well as the individual against whom the complaint is filed shall be separately interviewed, with the goal of resolving the complaint at this level. If resolved, parties will be notified and documentation describing the incident and subsequent resolution shall be kept by the principal for one academic year. If the complaint is not successfully resolved, the principal shall continue with the investigation by interviewing other knowledgeable parties. Documentation supporting or discounting the allegation shall become part of the investigation process.

The principal shall complete the investigation and report within twelve (12) working days after the complaint has been filed indicating whether the allegations have been substantiated as factual or not. There will be no reprisal against the person filing the complaint whether or not the complaint is sustained. During the hearing process, the cross examination of witnesses may be restricted at the discretion of the hearing officer. **If the allegations are substantiated, the principal or, in a case against an employee, the Superintendent (or his or her designee) must take immediate corrective and/or disciplinary action to resolve the situation.** Such action may include, but is not limited to, requiring an apology, direction to stop the offensive behavior, counseling or education, warning, suspension, exclusion, transfer, expulsion, or discharge. Follow up will be conducted to insure that neither continued harassment nor retaliation occurs. Follow-up procedures shall be documented.

As soon as the report is completed, it shall be filed with the Superintendent of Schools and the Title IX/622 Coordinator. Written findings will be provided to the concerned parties upon request and shall not deny the individual's right to pursue other avenues of recourse. All records of harassment shall be forwarded to the Superintendent and Title IX/622 Coordinator and shall be kept in a separate file, and only the Superintendent and the Title IX/622 Coordinator shall have access to these files.

Concerned parties will have the right of appeal to the Superintendent of Schools within ten (10) working days of receipt of the concluding report.

Alleged abuse by a parent, guardian, school staff, or other caretaker will be reported to the Department of Social Services according to school policy and procedure. If allegations warrant, the sexual abuse unit of the local law enforcement agency shall be notified.

VI. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe that you have been subject to sexual harassment, you may file a complaint with either of the government agencies set forth below. Using the complaint process of the Wareham Public Schools does not prohibit the filing of a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 180 days and MCAD - 6 months).

US Equal Employment Opportunity
Commission
JFK Federal Bldg.
475 Government Center
Boston, MA 02114
617-565-3200

Massachusetts Commission Against
Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
617-994-6000

VII. DISSEMINATION OF POLICY INFORMATION

This policy shall be included in all handbooks (faculty and student) and shall be made available in all main offices. Faculty members, parents, and students will be informed of this harassment policy.

Faculty members will be provided with training helpful in the identification and prevention of harassment. Parents will be requested to acknowledge the harassment policy through a signature process. The students (K-12) will receive age appropriate harassment training.

VIII. Summary of Harassment Reporting/Investigation Process

1	Victims of harassment should report allegations within one month or as soon as possible.
2	Witnesses of harassment are expected to report immediately the occurrence of harassment.
3	Informal interventions such as mediation or discussion may be used to resolve the matter.
4	An Harassment Report must be filed with the principal indicating an informal resolution or the need for investigation and a hearing if informal resolution is not successful.
5	In the event of serious allegations the principal will notify parents of all involved students in a timely fashion.
6	Investigation will include separate interviews with the alleged victim and perpetrator. Other knowledgeable parties may be interviewed.
7	Within 12 working days of the initial reporting the principal must conclude the investigation and provide reports to the Superintendent and Title IX/622 Coordinator. Written findings will be given to concerned parties upon request.
8	Concerned parties have the right to appeal to the Superintendent within 10 working days. The discipline of personnel will conform to bargaining agreements.

Ref: M.G.L. Ch. 199 Acts of 2011

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WAREHAM PUBLIC SCHOOLS, WAREHAM, MASSACHUSETTS

Incident Reporting Form

This form is to be completed by anyone who believes she/he may have been subjected to or observed an incident of harassment. It may be used to report harassment based upon gender, race, religion, national origin, ethnic background, color, age, sexual orientation, gender identity or disability. It should be filed with the principal of a school, a teacher, or the individual designated at a school as the equity coordinator.

Date of Incident: _____ Location: _____

Individual Accused of Harassment: _____

Brief Description of Incident and Others Involved: _____

Individual Completing this Report: _____

The following section is to be completed by the building principal or her/his designee.

Action Taken in Response to the Complaint: _____

Follow-up Documentation (when appropriate): _____

Principal's Signature: _____ Date: _____

A copy of this form is to be forwarded to the Office of the Superintendent of Schools and the Director of Student Services who is the Title IX/622 Coordinator.