

HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT
WENHAM, MA

A1005

Harassment Prevention & Response

Policy Preamble: The Hamilton-Wenham Regional School District School Committee is committed to the prevention of harassment based upon sex, race, color, national origin, religion, age, disability, gender identity or sexual orientation. This policy has been developed to ensure that the educational opportunities of all students, and the employment conditions of all employees, are not threatened or limited by such harassment, and to ensure that individuals are free to work, learn, and develop relationships without fear of intimidation, humiliation or degradation.

This policy defines: unlawful and prohibited conduct; reporting and investigation procedures; and disciplinary sanctions.

It shall be a violation of this policy for any employee or student of the Hamilton-Wenham Regional School District to harass another employee, adult member of the school community, student, applicant for employment or other person with business to conduct with the Hamilton-Wenham Regional School District, through conduct and communications as defined below. It shall also be a violation of this policy for students to harass other students or staff through conduct or communications of a harassing nature as defined below.

II. Unlawful and Prohibited Conduct Defined: Unlawful and prohibited conduct includes, but is not limited to, actions which are related to a person's sex/gender, race, color, national origin, religion, age, disability, gender identity or sexual orientation when such actions are unwelcome and unsolicited by the recipient.

Harassment based on a person's race, color, national origin, religion, age, disability or sexual orientation consists of conduct that:

1. has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or education environment;
2. has the purpose of substantially or unreasonably interfering with a person's work or academic performance;
3. or otherwise adversely affects a person's academic standing or employment opportunities.

III. Sexual/Gender Harassment: Unlawful and prohibited conduct, consisting of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct, or communication of a sexual nature when:

1. submission to, or rejection of, such conduct or communication is made explicitly or implicitly a term or condition of employment, or education or academic achievement;
2. or, submission to, or rejection of, such behavior is used as a basis for employment or academic decisions;
3. or, such behavior unreasonably interferes with an individual's work or academic

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performance, or creates an intimidating, hostile, humiliating, or offensive work or educational environment.

Examples of prohibited behaviors regarding sex, gender, gender identity, race, color, national origin, religion, age, disability, or sexual orientation shall include, but not be limited to, the following examples:

-Verbal conduct: name calling, teasing, jokes or other derogatory or dehumanizing remarks, by an individual or group as in verbal bullying;

-Physical contact: unwelcome touching of a person or person's clothing or any other act of physical intimidation or bullying;

-Written conduct: notes, cartoons, calendars, graffiti, offensive or graphic posters, pictures, book covers, drawings, computer terminal messages or electronic mail (email) of an offensive nature, or designs on clothing meant to offend another on the basis of gender, race, color, national origin, age, disability, sex or sexual orientation or other identifying characteristics;

-Visual conduct: suggestive looks, leering, gesturing of a suggestive nature;

-Blackmail: as in behavior with the intention to control another individual's scholastic achievement or employment status;

The foregoing list was to provide some concrete examples, but is not meant to be all-inclusive.

IV. Responsibilities: All students, teachers, administrators, and other personnel of the Hamilton-Wenham Regional School District are responsible for creating and maintaining an environment that is free of harassment and other offensive behaviors and for conducting themselves in a manner consistent with the spirit and intent of this policy and in cooperating with any investigation of alleged harassment.

The subject of harassment should report alleged violations of this policy to the appropriate personnel in accordance with the guidelines and procedures that accompany this policy. What one person might consider as acceptable behavior may be viewed by another as harassment. It is, therefore, suggested that a person make clear to the harasser that the behavior is offensive and must cease.

The Hamilton-Wenham Regional School District is responsible for the dissemination of this policy and training. The school district responsibilities will ensure that:

1. this policy shall be conspicuously posted throughout each school building in areas accessible to students and staff;
2. this policy shall appear in staff and student handbooks;
3. the school district will develop a method of discussing this policy with students and employees;
4. the district will appropriately train administrators and others who are assigned and responsible to implement the procedures of this policy;
5. This policy will be reviewed every two years for compliance with state and federal law.

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V. Reporting Harassment:

A. Students:

Students who believe that they are victims of harassment should report such occurrences to a teacher, counselor, or administrator who will in turn notify a complaint manager, or students may report directly to complaint managers. Notice of each school's complaint managers, whose role is defined below, will be posted in a prominent location in each school.

B. Employees:

All Hamilton-Wenham Regional School District employees must respond to a student's complaints of harassment by notifying the building principal or appointed complaint managers. In a case where a student complains of harassment by a teacher or another school department employee, a building administrator and/or his/her designee must investigate the complaint. All student complaints of harassment, including sexual harassment, must always be taken seriously.

Employees who believe that they are victims of harassment should report such occurrences to the most appropriate of the following potential complaint managers: their immediate or system-wide supervisor, the school building principal, a district administrator, or the Superintendent of Schools, or his/her designee.

VI. Investigation and Corrective Action:

The Hamilton-Wenham Regional School District will investigate all complaints of harassment. Such investigation may include discussions with all involved parties, identification and questioning of witnesses, and other appropriate actions. Reports of sexual harassment and related information will be kept confidential to the extent consistent with the school's obligations under law.

Each building principal will appoint two or more complaint managers, at least one of each gender, where possible. The complaint manager shall be responsible for investigating complaints of harassment, communicating the investigatory findings to the Hearing Officer, and recommending discipline as a consequence of harassment.

In a case between a student and an adult, the building principal or another building administrator will act as the complaint manager. In a case involving two or more employees, a building administrator and/or his/her designee will assume the role of the complaint manager. In a case involving a building administrator, a principal, or a district administrator, the Superintendent of Schools, or his/her designee, will act as a complaint manager.

Complaint managers will attend training sessions and workshops as directed. Notice of each school's complaint managers will be posted in a prominent location in each school.

If the Hamilton-Wenham Regional School District determines that harassment has occurred, it will take appropriate action to end the harassment. Steps that may be taken include, among others, an apology, direction to stop the offensive behavior, counseling or training, warnings, suspensions, exclusion from school-related activities, transfer, remediation, expulsion from schools or termination from employment.

Disciplinary action will be consistent with the requirements of applicable collective bargaining agreements, Massachusetts and federal laws, and school district policies. Any staff member or student who is dissatisfied with the results or progress of the school's investigation may discuss his/her dissatisfaction directly with the building principal or the Superintendent of Schools, or

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his/her designee, at the District Administration Building, 5 School Street, Wenham, MA 01984, (978- 468-5310)

VII. Retaliation:

The school administration will discipline or take appropriate action against any student, teacher, administrator, or school personnel who retaliates in any form against a person who makes a complaint or reports or participates in an investigation of a harassment complaint. Acts of retaliation may result in immediate disciplinary action up to and including expulsion or dismissal, even if underlying harassment is not proven. Retaliation is an independent prohibited and unlawful act.

VIII. Investigation of Child Abuse:

Under certain circumstances, harassment of a student may constitute child abuse under Massachusetts Law, M.G.L. Ch. 119, Section 51 A. The Hamilton-Wenham Regional School District will comply with Massachusetts Law in reporting suspected cases of child abuse. The Hamilton-Wenham Regional School District will report suspected criminal activity to the local police.

IX. Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Massachusetts Department of Education, 350 Main Street, Maiden, MA 02148, (617-388-3300); Massachusetts Commission Against Discrimination, Boston Office, One Ashburton Place, Boston, MA 02188, (617-727-3990); Equal Employment Opportunity Commission, 10 Congress Street, Boston, MA 02114, (617-565-3200); and the Office of Civil Rights of the U.S. Department of Education, J.F.K. Federal Building, Room 1875, Boston, MA 02203, (617-565-1340); initiating civil action or seeking redress under criminal statutes and/or federal law.

X. Policy Review and Revision

This policy and its procedures will be reviewed every two years for compliance with state and federal law. Review and revision of these policies and procedures shall occur as needed, but at least every two years.

XI. Legal References:

Title VII of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

Massachusetts General Laws:

c.151B (prohibiting employment discrimination based on gender);

c.214 s. 1C (right to be free from sexual harassment);

c. 76 s. 5 (prohibiting educational discrimination in public schools);

c.265 s.43 (prohibiting stalking);

c.269 s. 17 (prohibiting hazing);

c. 119, s.51A (reporting of suspected child abuse).

Other relevant statutes and case law

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