

MIDDLEBOROUGH PUBLIC SCHOOLS
Middleborough, Massachusetts

HARASSMENT POLICY

The School Committee of the Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation in admission to, access to, treatment in or employment in its program or activities. Consistent with M.G.L. Chapter 76, Section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation will not be tolerated and will be punishable to the full extent of the law.

The School Committee will take seriously all complaints of harassment based on sex, race, color, national origin, religion, age, disability or sexual orientation and will investigate complaints thoroughly and as quickly as possible through its designated Title IX and Title VI Coordinator. Condoning harassment and retaliation for providing information relative to a harassment claim will not be tolerated.

SCOPE OF POLICY:

- ❑ This policy extends to all persons employed by the Middleborough Public Schools.
- ❑ This policy extends to all students in the Middleborough Public Schools.
- ❑ This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools or those individuals who volunteer in the Middleborough Public Schools.

HARASSMENT WITHIN THE SCHOOL ENVIRONMENT

IF SEXUAL HARASSMENT IS REPORTED OR SUSPECTED, REFER TO THE MIDDLEBOROUGH PUBLIC SCHOOLS SEXUAL HARASSMENT POLICY.

The Middleborough Public Schools expects that its employees and/or students respect the rights of coworkers and/or fellow students to a harassment-free school and work environment. To work toward this level of mutual respect and understanding, an employee/student is encouraged to let another employee/student know when that person's behavior or activity is considered offensive and/or leads to uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently. Employees and students may also report harassing conduct to the school administration as set forth in the "PROCEDURES" section below.

The Middleborough Public Schools is committed to the elimination and prevention of harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of harassment. Initial training will include: a. definition of harassment;

- b. explanation of the district policy and policy procedures;
- c. legal prohibitions and consequences of harassment;
- d. pertinent examples of harassment; and

- e. overview of harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

PROCEDURES

If an employee and/or student believes that he/she has been harassed based on sex, race, color, national origin, religion, age, disability or sexual orientation, or that he/she has witnessed such harassment, he/she shall report it, preferably in writing, immediately to his/her supervisor, to his/her teacher, to his/her Principal, to the Superintendent or to the Title IX and Title VI Investigator: Carolyn J. Lyons, J.D., Director of Pupil Personnel Services (508-946-2013). It shall be the responsibility of the supervisor, teacher, principal, or the Superintendent to report the incident(s) to the Investigator.

Informal Procedures

Upon notification of a harassment complaint or incident, the Investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can resolve the problem in a mutually satisfactory way.

Examples of informal strategies include:

- A. The complainant writing a letter to the accused offender.
- B. Investigator can talk to the accused offender on the complainant's behalf.
- C. The offender and victim might participate in mediation, in which a third party (i.e. the Investigator) helps them to resolve issues between the parties.

Formal Procedures

When informal procedures are not appropriate to resolving harassment disputes, the harassment investigator shall immediately begin the investigation.

An important aspect of the Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

- The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.
- The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that retaliation against the complainant in violation of the policy will not be tolerated.
- If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.
- Within seven (7) workdays the Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.
- After the investigation is completed, the Investigator shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline

shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.

- If the investigator does not substantiate the complaint of harassment, then nothing is placed in the accused harasser's personnel file.

NOTE: Retaliation against complainant and/or witnesses after a "finding" or "non- finding" will not be tolerated. Both parties shall be provided with a copy of the investigator's report.

If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the accusation of harassment, he/she may discuss his/her dissatisfaction directly with the Investigator. If still dissatisfied, he/she may discuss his/her dissatisfaction with the Superintendent of Schools. Members of the collective bargaining unit may also turn to the grievance procedure set forth in the applicable collective bargaining agreement.

Students should refer to procedures outlined in the student handbook regarding incidents of harassment. In addition, students and employees should be aware that they may have further recourse under the law governing harassment.

Identification Of Appropriate State And Federal Employment Discrimination Enforcement Agencies And Directions As To How To Contact Such Agencies.

- Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491.
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362

Approved by Middleborough School Committee on August 14, 2008.

Title IX Coordinator and Harassment Investigator, Carolyn J. Lyons, J.D.

Director of Pupil Personnel Services

112 Tiger Drive

Middleborough, MA 02346

Telephone: 508-946-2013

Fax: 508-946-2009

Title VI Coordinator, Ellen M. Driscoll, Chief Technology Officer

41 Mayflower Avenue,

Middleborough, MA 02346

Telephone: 508-946-9559