



**SEXUAL HARASSMENT, BULLYING & HAZING POLICY**

All persons associated with the North Attleborough Public Schools including, but not necessarily limited to, the committee, the staff, and the students are expected to conduct themselves properly, reflecting the core values of the North Attleboro School District at all times, so as to provide an atmosphere free from sexual harassment, bullying, hazing and intimidation. These terms are collectively referenced as “harassment”. Any person who engages in harassment while acting as a member of the school community will be in violation of this policy. It shall be a violation of this policy for any employee or any student of the North Attleborough School Department 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.

This policy is in effect during the normal school day as well as at all school sponsored activities and while riding on North Attleborough school buses.

Students and employees are protected from harassment under the provisions of the State and Federal law since courts have found harassment to take many forms. It is the responsibility of every employee, student 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.

Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating in an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the North Attleborough School Committee takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.

This policy also is not designed or intended to limit the school’s authority to take disciplinary action or take remedial action when such harassment occurs out of school but has a connection to school, or is disruptive to or materially and substantially interferes with an employee’s work, personal life, a student’s school work, or participation in school related opportunities or activities.

Reports of cyber bullying by electronic or other means, occurring in or out of school will be reviewed and, when a connection to work or school exists, may result in discipline. Parents of students alleged to have engaged in cyber harassment will be invited to attend a meeting at which the activity, works or images subject to the complaint will be reviewed.

**Definition of Sexual Harassment**

Unwelcome sexual advances; requests for sexual favors; or other verbal, written, electronically transmitted, or physical conduct of a sexual nature may constitute harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, instruction or participation in school activities or program.
2. Submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subjected to sexual advances.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, attendance at school or participation in academic or curricular activities, or
4. Such conduct has the effect of creating an intimidating, hostile, or offensive work or learning environment through severe or pervasive behavior which substantially and materially interferes with work or school opportunities.

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

- ◆ 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; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- ◆ Displaying sexually suggestive objects, pictures, cartoons;
- ◆ Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- ◆ Inquiries into one's sexual experiences; and,
- ◆ Discussion of one's sexual activities.

**Definition of Bullying**

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result no student or employee shall be subjected to harassment, intimidation, bullying, or cyber-bullying in any public educational institute:

1. "Bullying" means repeated written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage the victim's property; student or

employee, (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.

The behavior must interfere with an employee's ability to perform his or her duties or with a student's academic performance or ability to learn, or interfere with a student's ability to participate in or benefit from services, activities, or privileges:

- a. That are being offered through the school district; or
  - b. During any education program or activity; or
  - c. While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or
2. "Cyber-bullying" means, bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communication. Cyber-bullying shall also include (i) knowing impersonation of another person as the author of posted content or messages, if the creator or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or persons.
- a. Cyber-bullying may occur through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute.
  - b. As used in this Section, "electronic communication" also means any communication through an electronic device including, but not limited to a telephone, cellular phone, computer or pager.
3. "Hostile environment" means, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

### **Definition of Hazing**

The term "hazing" shall mean any conduct or method of initiation, even if consented to, into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

1. Such conduct shall include, but is not limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

2. Whoever knows that another person is the victim of hazing and is at the scene of such activity, shall, to the extent that such person can do so without danger or peril to himself or others, report such activity to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such behavior shall be subject to discipline.

**Guidelines for Investigating Harassment Claims**

In school systems, harassment may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staff member to student, student to staff member, or student to student. Guidelines for dealing with any charge of harassment are as follows:

1. By law, harassment is defined by the victim's perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as harassment by another person. Therefore, in order to protect the rights of both parties, it is important that the victim or an administrator to whom a complaint was made or reported make it clear to the harasser that the behavior is objectionable.
2. In all charges of harassment, the victim should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts. Oral and anonymous complaints will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result no disciplinary action shall be taken on anonymous complaints unless independently verified by clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard.
3. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a target of harassment, bullying, or intimidation shall immediately report it to the administration; each school shall document any prohibited incident that is reported and confirmed, and report all incidents of discrimination, harassment, intimidation, bullying or cyber-bullying and the resulting consequences, including discipline and referrals, to the Superintendent's office as they occur.
4. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of harassment or the district's subsequent actions or inaction in connection thereto.
5. If an instance of student-to-student harassment is reported to a staff member other than an administrator, the staff member must inform the Assistant Principal, or the Building Principal.
6. If a situation involving a charge of staff member to student harassment is brought to the attention of any staff member, the staff member shall notify the Building Principal or Assistant Superintendent immediately.
7. In a situation involving a charge of student to staff member sexual harassment the staff member should notify the Building Principal or Assistant Superintendent.
8. In a situation involving a charge of staff member to staff member harassment the staff member should notify the Building Principal or the Assistant Superintendent.

9. Once a charge of harassment has been made, including charges of mental, emotional or physical harassment as well as threats to a person's safety, property or position in the school or work environment, the following course of action should be taken.
  - a. The Building Principal should investigate the charge through discussions with the individuals involved. In situations involving allegations against a staff member, he/she should be informed of his/her rights to have a third party present at the time of the discussion. In situations involving students the Principal should engage the appropriate classroom or special subject area teacher. Parents will be informed of the situation and invited to participate in resolution discussions. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit.
  - b. If the harasser and the victim are willing to discuss the matter at resolution meeting in the presence of the Principal/designee or Superintendent/designee, a supportive faculty member and/or parent should be included in the discussion. During this discussion, the offending behavior should be described by the victim and administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If circumstances do not permit a face-to-face meeting the administration will present the victim's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline.
  - c. The matter shall be documented in a manner consistent with the severity of the behavior, the impact of the behavior on the victim and the school, and the disciplinary consequences imposed by the administration.
10. If after a resolution meeting with the involved parties, the Building Principal determines that further more formal investigation or additional disciplinary action must be taken, the following could occur:
  - a. In instances involving student to student or student to staff member harassment, the student may be subject to discipline including but not limited to counseling, suspension, and in appropriate cases expulsion.
  - b. In instances involving staff member to student and staff member to staff member harassment, findings will be reported to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, up to and including discharge consistent with the applicable law and collective bargaining agreement.
  - c. In all cases a referral to law enforcement will be considered by the Principal or Superintendent based on the circumstances. School officials will coordinate with the Police Department to identify a police liaison for harassment cases.
11. **Retaliation & False Accusations**

Retaliation or false accusations in any form against any person who has made or filed a complaint relating to harassment are forbidden. If either action occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student. A referral to law enforcement may be made.

12. Confidentiality:

Reports of harassment should be kept completely confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the victim and stopping the behavior.

For further information about these guidelines or help with sexual harassment, bullying, or hazing problems, or any other form of harassment, consult the Harassment Coordinators:

**Harassment Coordinators/Grievance Officers:** Peter Haviland, Assistant Superintendent, and Cheryl Butts, Human Resource Department, Woodcock Administration Building, 6 Morse Street, North Attleborough – 508-643-2100 are the sexual harassment grievance officers and are vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedures set out above.

LEGAL REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. Chapter 151 B, Massachusetts General Laws
4. M.G.L. Chapter 76 § 5
5. M.G.L. Chapter 269 § 17, 18, 19
6. M.G.L. Chapter 71, §370, 82, 84, 93, 37 et seq
7. Family and Education Privacy Rights Act
8. Mass Student Records Laws and Regulations

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