

## **File: ACH - POLICY PROHIBITING HARASSMENT BASED UPON PROTECTED CLASSIFICATIONS**

The Arlington Public Schools is committed to maintaining a school environment free of harassment and discrimination based on race, color, national origin, sex, gender identity, sexual orientation, disability, age or religion. Harassment based upon these protected classifications by administrators, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is strictly prohibited. It is the goal of the Arlington Public Schools to prevent harassment through on-going and appropriate means of developing and maintaining staff and student awareness, staff training, and policy dissemination. However, should an incident of harassment occur, the school district will take prompt steps to prevent recurrence and to ensure that individuals impacted are not restricted from participating in their education or work with the Arlington Public Schools.

### **DEFINITION OF HARASSMENT**

In General Harassment includes unwelcome communications such as jokes, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which offends or shows disrespect to others based upon race, color, national origin, sex, gender identity, sexual orientation, disability, age or religion, when such communication or conduct is sufficiently serious to deny or limit the ability of an individual (1) to participate in or benefit from applicable educational programs or school sponsored-events or (2) to perform ~~his or her~~ **their** duties as an employee or other participant.

By law, the particular communication or conduct is viewed from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another. Therefore, prior to engaging in particular conduct, individuals are expected to consider how their words and actions might reasonably be viewed by others.

Sexual Harassment. While all types of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment or education.

The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a student.

Such conduct interferes with an individual's job duties, education or participation in extracurricular activities.

The conduct creates an intimidating, hostile or offensive work environment or school environment.

### **HARASSMENT AND RETALIATION PROHIBITED**

Harassment in the work place or school environment is unlawful and is absolutely prohibited. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. In addition, retaliation against any individual who has filed a complaint of harassment or who cooperates in an investigation of possible harassment is unlawful and is prohibited.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or school committee, subject to applicable procedural requirements.

### REPORTING HARRASSMENT

#### Students:

A student who believes that ~~he or she has~~ **they have** been subject to harassment should report the matter to a teacher, counselor or administrator, who in turn will notify the building principal. In the alternative, a student may report the matter directly to the building Principal.

#### Employees and Others:

All Arlington Public Schools employees and others in the school environment who observe or become aware of potential harassment must promptly notify the building principal or ~~his~~ **their** designee. All adults in the school environment are expected to take every report of harassment seriously.

Employees or others in the school environment who believe that they have been subject to harassment should report the matter to the building principal. If an individual is not assigned to a particular school, if the individual does not wish to discuss the issue with the building principal, or if the building principal does not address the problem in an effective manner, the individual should inform an identified central office administrator, as published annually on the District's website. Any allegation of harassment by the Superintendent should be reported to the Chair of the School Committee.

### INVESTIGATIONS AND CLOSURE OF A COMPLAINT

The Arlington Public Schools will promptly investigate complaints of harassment in accordance with its Complaint Procedure found at Policy ACA-R. If the district determines that harassment has occurred, it will take appropriate action to prevent recurrence and to ensure that individuals who have been impacted are not restricted from participating in their education, work, or other activities within the Arlington Public Schools.

In certain cases, the harassment of a student may constitute child abuse under Massachusetts law. The Arlington Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse. In addition, the district will report conduct of a serious nature to law enforcement if it is determined that criminal charges may be pursued.

When an investigation has been completed, school personnel will inform the complainant of the results, subject to confidentiality requirements. For example, school officials will generally not inform the complainant of disciplinary action taken against another individual, unless it involves

a stay-away order or other directive the complainant should be aware of in order to report violations. School personnel will also file a report with the Coordinator for Title IX/Section 504 of the Rehabilitation Act/Chapter 622.

#### STATE AND FEDERAL AGENCIES

The Arlington Public Schools urges all individuals in the school community to bring any complaints of harassment or other discrimination to the attention of school personnel so that they can address the issue as appropriate. Individuals may also make inquiries regarding the filing of a complaint with the following agencies: Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Maiden, MA 02148 (telephone 781-338-3000) (fax 781-338-3391) (TTY 1-800-439-2370); Massachusetts Commission Against Discrimination ("MCAD"), One Ashburton Place, Boston, MA 02108 (telephone 617-994-6000) (fax 617-994-6024) (TTY 617-994-6196); the United States Department of Education, Office for Civil Rights (OCR), 5 Post Office Square, 8th Floor, Boston, MA 02109 (telephone 617-289-0111) (fax 617-289-0150) (TTY 1-800-877-8339); and the Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (telephone 1-800-669-4000) (fax 617-565-3196) (TTY 1-800-669-6820).

(Contact information above last updated in March of 2014)