

## **POLICY AGAINST HARASSMENT**

### **INCLUDING HARASSMENT BASED UPON SEX, RACE, COLOR, NATIONAL ORIGIN, RELIGION, AGE, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY**

Newburyport Public Schools is committed to the prevention of harassment based upon sex, race, color, national origin, religion, age, disability, sexual orientation, and gender identity. It is the policy of the Newburyport Public Schools to provide a school and workplace and environment free from harassment. The Newburyport Public Schools strictly enforces a prohibition against harassment of any of its student or employees, by anyone, including any fellow student, teacher, supervisor, co-worker, vendor or other third party, as such conduct is contrary to the mission of the School District to and its commitment to ensuring equal opportunity in education and employment.

Harassment consists of unwelcome conduct, whether verbal, written, or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, religion, age, disability, sexual orientation or gender identity. The Newburyport Public Schools will not tolerate any harassing conduct that: has the purpose, or effect, of creating an intimidating, hostile or offensive academic or work environment; has the purpose, or effect, of substantially or unreasonably interfering with an individual's academic or work performance; or otherwise adversely affects an individual's academic or employment opportunities. The Newburyport Public Schools prohibits and will not tolerate harassment of employees or students occurring in the schools or work place. For the purposes of this policy, "workplace" or "school" also includes school-sponsored social events, trips, sports events, work-related travel or similar events connected with school or employment.

Staff, students or third party complaints of harassment based upon sex, race, color, national origin, religion, age disability, sexual orientation and gender identity be reported to those individuals indicated below. Upon receipt of a complaint of harassment, the Newburyport Public Schools will respond promptly by taking interim measures to protect the complainant from further harassment and by conducting a timely, thorough and impartial investigation. Where it is determined that prohibited conduct has occurred, the school District will act promptly to eliminate the conduct and will impose corrective action if appropriate, up to and including school-related discipline or termination of employment. In all actions taken, the School District will strive to provide due process rights to those persons involved, while minimizing the burden to the complainant student or teacher.

Any retaliation against an individual who has complained about harassment or retaliation; or any retaliation against any individual who has cooperated with an investigation of a harassment or retaliation complaint is similarly unlawful and will not be tolerated. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Claims of retaliation will also be investigated pursuant to this policy and procedures, and corrective action will be taken as appropriate.

The policy and procedures set forth herein shall apply to complaints pursuant to both state and federal laws, including Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment Act of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; and Massachusetts General Laws Chapter 151B.

### **RESPONSIBILITIES**

Individual: All students, teachers, administrators and other school personnel of the Newburyport Public Schools are responsible for creating an environment that is free of harassment, and for conducting themselves in a manner consistent with the spirit and intent of this policy.

Principals: Principals are responsible to ensure that this policy is conspicuously posted in appropriate student/employee work areas, on the website, school and district, and that it is printed in each school's student handbook. The posting shall include the name, mailing address, and telephone number of each school's harassment contact, as well as the name, address, and telephone number of the School District's Civil Rights Officer.

Superintendent or Designee: The Newburyport Public Schools are responsible for the dissemination of this policy and training. The School District will ensure that it will:

1. develop a method of discussing this policy with students and employees;
2. provide appropriate training to administrators and others who are assigned the responsibility to implement the procedures of this policy; and
3. see that this policy is reviewed periodically for compliance with state and federal law.

## **PROCEDURES: REPORT, INVESTIGATION, RESPONSE**

### **REPORTING**

Any person who believes that a student, teacher, administrator or other school personnel has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, is encouraged to report the alleged prohibited conduct as soon as possible to the appropriate individual listed in this policy.

The reporting party or complainant is encouraged to use the Harassment Report Form available on the School District's website, or from the school principal, each School District's Central Office or Superintendent's Office. Oral reports/complaints will also be accepted. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct directly to the district's Civil Rights Officer, or to the Superintendent. Further, nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different administrator than the administrator designated, or in the case of a student, to a district employee.

The School District designates the Director of Pupil Services as the Civil Rights Officer with responsibility to oversee administration of these procedures and to monitor compliance. If a complaint involves the Director of Pupil Services, the complaint shall be made or filed directly with the Superintendent. If a complaint involves the Superintendent, the report will be filed directly with the School Committee.

In each school there are two (2) designees with the responsibility for receiving and investigating oral or written reports of alleged harassment. Any employee who receives a report of alleged harassment shall promptly inform the principal, or other school administrator as indicated below.. If the complaint involves the school principal, the complaint shall be filed with the Superintendent.

The School District and school-level harassment contacts are as follows:

Civil Rights Officers: Director of Pupil Services; Superintendent of Schools (alternate)

Title IX Coordinator: Director of Pupil Services

Francis T. Bresnahan Elementary School: Principal (Grades 1-3); Principal (Grades PreK-K); Asst. Principal

Edward G. Molin Upper Elementary School: Principal; Director of Pupil Services

Rupert A. Nock Middle School: Principal; Asst. Principal

Newburyport High School: Principal; Associate Principal; Principal

## **INVESTIGATION**

Upon receipt of a report or complaint of alleged harassment, the responsible administrator shall initiate a timely investigation of the complaint. Interim measures shall also be taken to protect the complainant from further harassment during the pendency of the investigation.

If warranted by the circumstances of the complaint, the School District's Civil Rights Officer may assist the school contact with the investigation, may assume responsibility for the investigation, or may authorize an investigation by a third party who shall report to the District's Civil Rights Officer.

The investigation may consist of personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others that may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether the conduct alleged constitutes a violation of this policy, the investigator shall consider the surrounding circumstances, including but not limited to: the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged conduct occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances.

Upon completion of the investigation, the harassment contact shall generate an investigation report, which will include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The complainant will be informed in writing as to whether or not the allegation of harassment was substantiated. In accordance with state and federal law regarding law or records privacy, the complainant will also be informed that appropriate corrective action has been taken.

## **CORRECTIVE ACTION**

Upon completion of an investigation and substantiation of the complaint, the School District will take appropriate corrective action. Such action may include, but is not limited to: an apology, direction to stop the offensive behavior, counseling, training, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Massachusetts and federal laws and School District policies.

In the case of substantiated harassment by an employee, the Superintendent will include a written statement of the findings, the corrective action taken, and the consequences of continued harassment, in the individual's personnel file.

In the case of substantiated harassment by a student, the principal will include a written statement, as above, in the student's discipline file.

During the entire process of reporting, investigating, and corrective action (if applicable), confidentiality will be maintained to every extent possible.

If harassing conduct constitutes a hate crime or abuse/neglect of a child, it will be reported to the appropriate state agencies/authorities as required by law.

## **RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

Nothing in this policy shall be deemed to effect a complainant's right to other remedies at law, including administrative appeals or lawsuits. Administrative agencies with jurisdiction in these matters include:

The Massachusetts Commission Against Discrimination  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990

Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148  
(781) 388-3300

U.S. Department of Education, Office for Civil Rights  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921  
617-289-0111

Newburyport Police Department  
4 Green Street  
Newburyport, MA 01950  
(978) 462-4411

## **LEGAL REFERENCE**

Title VI and VII of the Civil Rights Act of 1964, Title IX of the 1972 Education Amendments to the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Age of Discrimination in Employment Act, the Americans with Disabilities Act, Chapter 622 of the Acts of 1971, G.L. c. 151B and G.L. c. 151C, G.L. 265 Section 37, G.L. 265 Section 39, G.L. 266 Section 98, G.L. 266 Section 126A, and G.L. 266 Section 126B. McKinney-Vento Homeless Assistance Act 2001 (42 U.S.C. 11431 et seq.), Sec.721

**Updated: April 2016**

**First Read: June 9, 2016**

**Second Read and Vote by School Committee: June 20, 2016**

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NEWBURYPORT PUBLIC SCHOOLS  
**Harassment Complaint Report**  
**Voluntary Report of Incident**

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**Date of Complaint Report:** \_\_\_\_\_

**Time of Complaint Report:** \_\_\_\_\_

**Method of Report:** \_\_\_\_\_

**Reported By:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Reported To:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Summary of Allegations:** (please include time, date, location, witnesses and frequency, use back side of form if necessary)

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**What was the effect?** \_\_\_\_\_

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**What assistance can we provide?** \_\_\_\_\_

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**NEWBURYPORT PUBLIC SCHOOLS**

**Follow-up Steps to Voluntary Report Form**

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*After a Voluntary Report Form (Har – 1) has been completed, the following steps are recommended:*

- 1. Make an appointment to meet with the complainant to update him/her on what has happened and to check on the individual’s wellbeing (within 2 working days, if possible.)**

**Date:** \_\_\_\_\_

- 2. Explain what steps you will take next.**

**Steps:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Inform a back-up person (the other building or district representative) about the incident in case a related event occurs while you are out of the building.**

**Back-up Person:** \_\_\_\_\_

**Note: Log a brief summary of the report in a file that is turned into the assistant superintendent at the end of each month.**

**Your signature:** \_\_\_\_\_

**Name of Complainant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

