

## **POLICY ON HARASSMENT AND DISCRIMINATION**

### **A. Introduction**

The Arlington Public Schools is committed to providing a safe educational environment that promotes equal access to educational and occupational opportunities for all adults and children regardless of race, gender, color, national origin, sexual orientation, qualifying disability or religion. Consistent with its pledge of equity for all students and staff, discrimination or harassment based on any of the above mentioned characteristics will not be tolerated. It is the goal of the Arlington Public Schools to prevent harassment through on-going and appropriate means of staff and student awareness, staff training, and policy dissemination. However, should an incident of harassment occur, the school system shall provide for swift action to eliminate such harassment or discrimination among or between students and staff.

### **B. Definition**

**Harassment:** Harassment includes unwelcome verbal or physical conduct which may or does offend, denigrate or belittle any individual because of, or due to, any of the characteristics described above. Such conduct includes pictures, jokes, comments, innuendoes or any other behavior, which creates an environment, which is offensive, intimidating, or hostile to anyone.

While this policy addresses issues related to sexual harassment, it is important to note that Arlington Public Schools will not tolerate any form of harassment based on any of the protected characteristics named in paragraph A above.

See Addendum for Definitions

### **C. Sexual Harassment or Discrimination**

1. Legal Protections
  - a. Freedom from harassment is protected by state and federal law .Title VII of the 1964 Civil Rights Act defines Sexual Harassment as "Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitutes sexual harassment.
  - b. In addition, Federal Law protects students from discrimination and harassment.

- c. Sexual harassment is a form of sex discrimination. Under the Massachusetts law on fair educational practices (Chapter 15 IC of the Mass. General Laws), the term "sexual harassment" is defined as follows:

any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment. Massachusetts General Laws c. 15 IC, 5. 1 (e).

## 2. Responsibilities

- a. It is the responsibility of every employee to recognize acts of sexual harassment and take every action necessary to ensure that applicable policies and procedures are implemented.
- b. Through this policy the Arlington Public Schools assures that all complaints are taken seriously and investigated thoroughly and promptly.
- c. If incidents of sexual harassment are substantiated, the Arlington Public Schools takes action to end the harassment and ensures that such harassment will not be repeated. Remedies available to the school system may include among others: mediated conferences, warnings, transfers, suspensions, expulsions, probation's, and discharge. These actions will be taken in accordance with state and federal laws and will incorporate appropriate due process procedures.
- d. 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 Superintendent of Schools.

## 3. Confidentiality

Reports of sexual harassment will be kept as confidential as possible, consistent with the school's legal obligation to conduct a thorough investigation.

4. Retaliation

Retaliation in any form against any person who has filed a complaint relating to sexual harassment is prohibited. If it occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student.

5. Monitoring, Review, Training

The Arlington Public Schools will provide ongoing and appropriate means of policy dissemination and staff/student training.

6. To ascertain if we are achieving our goal of eliminating sexual harassment from our schools, the Chapter 622 coordinator for Arlington Public Schools reviews and monitors the policy and guidelines on a yearly basis. The coordinator also maintains data on all activities related to the implementation of this policy. Reports are made to the School Committee annually.

ADDENDUM

3. SEXUAL HARASSMENT (Definition)

Conduct which constitutes sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment and/or the provision of the benefits privileges or placement services or as a basis for the evaluation of academic achievement;

Submission to or rejection of such conduct by an individual is used as the basis for employment or student placement decisions affecting such individual; or

Such advances, requests or conduct has the purpose or effect of unreasonably interfering with an individual's work performance and/or education by creating an intimidating, hostile, humiliating or offensive work and/or educational environment.

4. RACIAL HARASSMENT (Definition)

Words, actions or other verbal, written or physical conduct which are offensive because of their racial connotation. Prejudice, stereotyping or bigotry constitutes racial harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance as student or staff member or creating an intimidating, hostile or offensive working and/or learning environment.

## 5. HANDICAP-RELATED HARASSMENT (Definition)

Harassment on the basis of an individual's handicap is a violation of the Arlington Public School's Nondiscrimination Policy. Conduct which ridicules, scorns, mocks, intimidates, threatens, or coerces any individual due to his/her physical or mental handicap, real or perceived, or which has the effect of unreasonably interfering with the work performance of students or staff members or creating an offensive, hostile, intimidating working environment will be considered handicap related harassment.

## 6. HOMOPHOBIC HARASSMENT (Definition)

Harassment on the basis of an individual's sexual orientation, or perceived orientation, is prohibited. Words, actions or other verbal, written or physical conduct which ridicules, scorns, mocks, intimidates or otherwise threatens any individual because of his/her sexual orientation or perceived orientation constitutes homophobic harassment when it has the purpose or effect of interfering with the work performance of staff or student or creating an intimidating, hostile or offensive environment.

### 1. ETHNIC HARASSMENT (Definition)

Words, actions or other verbal, written or physical conduct which are offensive because of their ethnic connotation, prejudices, stereotyping or bigotry constitutes ethnic harassment. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance of student or staff or creating an intimidating, hostile or offensive working environment.

### 2. RELIGIOUS OR NON-RELIGIOUS HARASSMENT (Definition)

Harassment on the basis of an individual's religious or non-religious affiliation is a violation of the Arlington Public School's Nondiscrimination Policy. Words, actions or other verbal, written or physical conduct which are offensive because of their religious connotation, prejudice, stereotyping or bigotry constitutes religious harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### 3. NATIONAL ORIGIN HARASSMENT (Definition)

Harassment on the basis of an employee and/or student's accent or manner of speaking or other characteristic of national origin is prohibited. Words, actions or other verbal, written or physical conduct which are offensive because of their connotation as they relate to the employee's national origin, surname or accent constitutes harassment based on national origin when such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile working environment.



**PROCEDURE FOR REPORTING INCIDENTS OF HARASSMENT AND DISCRIMINATION**

During our opening of school orientations, all students and staff are informed that harassment and discrimination will not be tolerated and all incidents must be reported to the Principal, Assistant Principal or designee for appropriate recording and follow-up. Every adult in our school has a responsibility, when aware of harassment or discrimination, to take whatever action is necessary to eliminate it.

These measures may range from direct intervention, to referral to the administrators, guidance nurse or other trusted staff member. As stated in the Arlington Public School's K-12 Policy on Harassment and Discrimination, all complaints will be taken seriously and will be investigated thoroughly and promptly.

During the opening orientations:

- Staff will receive information/discussion/remedies for harassment
- Policy and procedures will be in all handbooks
- Students will receive information discussion/possible remedies for harassment
- Policy review and student training will be done annually
- Students and staff will work on wording for the high school and middle school handbook that is student user friendly