

PROHIBITION OF HARASSMENT

The Acton-Boxborough Regional School District (ABRSD) is committed to maintaining a school environment that values civil discourse and diversity where all individuals are treated with dignity and respect. Therefore, the District will take appropriate action to:

- Prevent and/or otherwise respond to demeaning behavior and unlawful discrimination or harassment of its employees or students, and
- Define processes by which individuals can bring concerns about unlawful discrimination or harassment to the Schools' attention for resolution.

ABRSD will not tolerate harassment of their employees or students. Harassment of staff or students based on race, color, sex, sexual orientation, gender identity, religion, disability, age, active military/veteran status, ancestry, or national or ethnic origin in the administration of its educational policies, employment policies, and other administered programs and activities is prohibited. In addition, students who are homeless or of limited English-speaking ability are protected from discrimination in accessing the course of study and other opportunities available through the schools.

It should be noted that while this policy sets forth the goal of promoting a work and educational environment that are free of harassment, the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

Definition of Harassment

Harassment includes verbal or physical conduct which may offend, denigrate, or belittle any person because of, or due to, any of the characteristics described above. Harassment may include pictures, jokes, comments, innuendoes, slurs, derogatory remarks based on a protected characteristic or any other behavior which creates an environment that is intimidating, hostile, or offensive to anyone.

Investigations of Harassment

The District will promptly investigate every complaint of harassment, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. *There are separate protocols for responding to complaints of allegations of sexual harassment against students, which are outlined in Procedure ACAB-R.*

Student or Staff Complaints

All District employees must respond to suspected harassment and to complaints by students of harassment by notifying the building principal or Title IX coordinator. Employees are expected to take every report of harassment seriously. A student or any individual wishing to file a complaint alleging harassment may inform any trusted staff member, their building principal, or the Title IX Coordinator listed below.

The ABRSD Title IX Coordinator is:

Dr. Dawn G. Bentley, Assistant Superintendent for Diversity, Equity, and Inclusion
Acton-Boxborough Regional School District
15 Charter Road, Acton, MA 01720
978-264-4700 x3265

The Assistant Superintendent for Diversity, Equity, and Inclusion and the Deputy Superintendent are available to provide information about this policy and the District's complaint process.

Prohibition of Retaliation

It is unlawful to retaliate against, or discipline, any individual who files a complaint of harassment or discrimination, or who cooperates in an investigation of such a complaint. The Schools will not tolerate any such retaliation, and individuals who engage in retaliation will be subject to termination/expulsion or other sanctions determined by the School Administration and/or School Committee, subject to applicable school system policies and procedures, as well as applicable contractual requirements.

PROHIBITION OF SEXUAL HARASSMENT

Definition of Sexual Harassment

While all types of harassment are prohibited, sexual harassment requires particular attention. Pursuant to Title IX of the Education Amendments of 1972, ABRSD has a Grievance Process for investigating and resolving Formal Complaints of Sexual Harassment (Refer to Procedure ACAB-R.).

In Massachusetts, Sexual Harassment is defined as any unwelcome sexual conduct, including sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Submission to, acceptance of, or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or education or a basis for employment decisions affecting an employee or for educational, disciplinary, or other decisions affecting a student; or
2. Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance, education or participation in extracurricular activities by creating an intimidating, hostile, humiliating, or offensive work or school environment.

According to Title IX, sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An ABRSD employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ABRSD's education programs or activities; or
3. Sexual assault, dating violence, domestic violence, or stalking (all as defined by federal laws.)

While it is not possible to list all circumstances that may constitute sexual harassment, the following are examples of prohibited conduct at ABRSD:

- 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; comments about an individual's body, sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, touching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

The Title IX Coordinator is responsible for ensuring compliance with this policy, its procedures, and federal regulations. Any ABRSD employee with knowledge of alleged sexual harassment, must report it, whether they personally witness the sexual harassment, learn of it from a third party, or they are the alleged victim themselves. ABRSD will promptly respond to all reports alleging sexual harassment to ensure a fair and equitable resolution to the report, provide support

to the victim, eliminate harassment, and impose discipline if necessary. Discipline may range from verbal reprimand to suspension and expulsion or termination in the case of an employee.

Title IX Coordinator

The Title IX Coordinator is responsible for ensuring the District's proper response to sexual harassment, compliance with Title IX and overseeing the Grievance Process. ABRSD's Title IX Coordinator is the Assistant Superintendent for Diversity, Equity, and Inclusion, who can be reached at 978-264-4700 x3265 or at 15 Charter Rd., Acton, MA 01719.

Contact Information for State & Federal Agencies

The Schools urge all individuals in the school community to bring any concerns or complaints of harassment to the attention of school personnel so that they can be addressed. If either party to the complaint is dissatisfied with the results or progress of the Schools' investigation, they may discuss this directly with the Superintendent of Schools.

The state agency responsible for enforcing laws that prohibit harassment in the workplace is the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108-1518; telephone (617) 994-6000; TTY Users (617) 994-6196. The time frame for filing a complaint with the MCAD is within 300 days from the date of the most recent incident of alleged harassment. The state agency responsible for ensuring that Massachusetts public schools do not discriminate on the basis of protected characteristics is the Massachusetts Department of Elementary and Secondary Education (DESE), 75 Pleasant Street, Malden, MA 02148-4906; telephone (781) 338-3300; TTY Users (800) 439-2370. The MA DESE's Program Quality Assurance Services (PQA) accepts complaints when the alleged violation occurred no more than one year before PQA received the written complaint.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination. The deadline for filing a complaint with the EEOC is within 300 days from the day of the alleged discrimination. The EEOC is located at JFK Federal Bldg., 475 Government Center, Boston, MA 02203; (617) 565-3200 or (800) 669-4000; TTY Users (800) 669-6820. The US Department of Education's Office for Civil Rights (OCR) is a federal agency that enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the US Department of Education. In most cases, a complaint must be filed with OCR within 180 calendar days of the date of the alleged

discrimination. OCR is located on the 8th Floor, 5 Post Office Square, Boston, MA 02109-3921; telephone (617) 289-0111, fax (617) 289-0150.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Cross Reference: Policy ACAB replaces former policies JBA and GBA

Revised and Approved – September 17, 2020