

Grafton Public Schools

School Committee Policy

Section G - Personnel

GBAA - Discrimination, Harassment, and Bullying Policy

Introduction

It is the goal of the Grafton School District to provide equal employment opportunity for all employees, to prevent any unlawful discrimination or harassment, including sexual harassment, of any individual working at or attending our schools, and to provide a mechanism by which individuals can bring any concerns about discrimination or harassment to the District's attention. Parents / guardians can also file complaints of discrimination, harassment, and / or retaliation.

This policy is in effect while students/employees are on school grounds or property within the jurisdiction of the School District such as on school buses, or attending or engaging in school-related activities.

We expect all individuals to treat each other with dignity and respect. We are committed to maintaining a safe and secure environment in which staff and students are all treated with respect. The Grafton School District will not condone or tolerate any harassment, discrimination, or different treatment, of or among staff or students based upon characteristics that include but are not limited to:

Age (as defined by law)
Disability
Sex (including sexual orientation as defined by law)
Race
National Origin
Creed
Color
Religion
Veteran Status
Genetic information

Not only does the Grafton School District prohibit discriminatory treatment of its staff and students by supervisors and administrators, we also will not tolerate discriminatory treatment among staff or among students, including harassment.

Each student and employee of the Grafton Public Schools is personally responsible for ensuring that his/her conduct does not harass any other employee or student in schools. Each employee/student, including the Superintendent of Schools and Principals, is responsible for cooperating in any investigation of alleged harassment if requested to do so by the person conducting the investigation. Any individual who prevents or attempts to prevent an individual from making a complaint of harassment, or fails to cooperate with or interferes in any way with the investigation of such a complaint, will be subject to disciplinary action.

Discrimination, Harassment, and Retaliation

Harassment, including sexual harassment, in any form or for any reason is absolutely forbidden and violates Title VI of the Civil Rights Act of 1964, Title IX of the Civil Rights Act of 1972, Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, G.L. c.151B, and c.278s 3A of the Acts of 1996. The Grafton School District will not tolerate retaliation against any individual who has brought harassment or other inappropriate behavior to our attention. Retaliation is strictly forbidden, and if any individual is found to have retaliated against any individual for filing a complaint and/or cooperating in the investigation of any complaint, such action shall be grounds for separate discipline.

Harassment includes verbal or physical conduct which may or does offend, denigrate, or belittle any individual because of, or due to, any of the characteristics listed above. Such conduct includes pictures, jokes, comments, innuendoes, graffiti, or any other behavior, which creates an environment which is offensive and impairs the ability of the employees to work and students to learn.

In addition, this policy applies to all claims of disability-based discrimination that are not related to the identification, evaluation, and placement of students. This policy also applies to disability-related complaints alleging discrimination, including harassment, carried out by third parties, including service providers contracted by the District.

The School District recognizes that employees and students have legal rights under Massachusetts and federal anti-discrimination laws that are not superseded by this policy.

The student and the employee retain all state and federal protection throughout a harassment investigation and both can seek the remedies afforded them by state and federal law at any time. The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, but the need for confidentiality must be balanced with the need to investigate allegations of harassment thoroughly and to take disciplinary action when prohibited conduct has occurred.

Definitions

While all types of harassment are prohibited, sexual harassment requires particular attention.

Massachusetts General Laws, Chapter 151B, Section 1 (18):

The term “sexual harassment” shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when; (a) submission to or rejection of such advance, requests or conduct is made either explicitly or implicitly a term of condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive environment. Discrimination on the basis of sex shall include, but not be limited to sexual harassment.

Massachusetts General Laws, Chapter 151C, Section 1(e):

Sexual harassment means 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 education environment.

Title VII of the 1964 Civil Rights Act:

Unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature constitute sexual harassment when; (1) submission to such conduct is made a term or condition of employment, (2) submission or rejection of such conduct is used as a basis for employment decisions, or (3) such conduct unreasonably interferes with work performance, or creates an intimidating, hostile or offensive working environment.

Examples of Sexual Harassment:

Sexual harassment may include but is not limited to:

1. Verbal harassment or abuse;
2. Subtle unwelcome pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Intentional unwelcome brushing against an employee's (co-workers) or student's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
7. Any sexually motivated unwelcome touching;
8. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
9. Comments about an individual's body;
10. Comments about an individual's sexual activity, deficiencies, or prowess;
11. Displaying sexually suggestive objects, pictures, cartoons;
12. Unwelcome leering, whistling, sexual gestures, suggestive or insulting comments;
13. Inquiries into one's sexual experiences;
14. Discussion of one's sexual activities.

Investigation

The Harassment Investigator is the person appointed by the School Committee to investigate charges of harassment. The Harassment Investigator shall be a person both employees and students feel comfortable approaching with such a charge. The Grafton Public School District's Harassment Investigator and Title IX Coordinator is:

Mandee Lape

30 Providence Road
Grafton, MA 01519
508-839-5421

The Superintendent will be authorized to appoint a temporary substitute Harassment Investigator, if necessary.

The Section 504 Coordinator is the person appointed by the School Committee to investigate charges of disability-based discrimination, including harassment and / or retaliation. The Section 504 Coordinator shall be a person both employees, parents/guardians, and students feel comfortable approaching with such a charge. The Grafton Public School District's Section 504 Coordinator is:

Nicole MacDonald
30 Providence Road
Grafton, MA 01519
508-839-5421

The Superintendent will be authorized to appoint a temporary substitute Section 504 Coordinator, if necessary.

The investigation, whether through the Harassment Investigation or through the District 504 Coordinator, shall provide both parties (regardless of whether the complainant is a student, parent/guardian, or employee) with the opportunity to present witnesses and other evidence.

Complainant and Respondent:

Complainant is the person bringing forth the charge of harassment.

Respondent is the person charged with harassment.

Reasonable Man/Reasonable Woman Standard:

The Harassment Investigator shall employ either a *reasonable man* or a *reasonable woman* standard, depending upon the sex of the complainant, when investigating

a charge of harassment. That is, would a reasonable man or a reasonable woman perceive the conduct of the respondent as harassment.

Reprisal:

A *reprisal* is an action that is retaliatory in nature. Any other form of harassment shall be considered a reprisal. For example, respondent is a supervisor/teacher and gives complainant an undeserved negative evaluation/grade because complainant brought the claim of harassment against the respondent.

Employee(s):

Employee(s) shall be read to mean: administrators, teachers, clerical staff, cafeteria workers, educational assistants, custodial staff, and anyone else employed by, or a volunteer of, the School District.

Persons who need to know:

Persons who need to know shall include, at the appropriate time(s), the respondent, any witnesses, the Harassment Investigator, the representatives present in the investigation interviews, the complainant's parent(s) if complainant is a student, the Superintendent, and the School Committee.

Harassment may encompass an accumulation of incidents, and not just one incident, i.e., a remark/joke, etc. that may seem innocuous when said the first time but continues after complainant states that he/she is offended by that type of remark/joke, etc. The following procedure section refers to an "incident" of harassment but also means the accumulation of "incidents" to the point of harassment.

Procedure:

When the complainant is a student:

If a student confides in an employee that the student, or another student, has been treated inappropriately by either another student or an employee of the school department (including third parties / contracted service providers of the District), the employee shall immediately bring the matter to the attention of the building Principal. The Principal will provide the student and his/her parents/guardians with a copy of

policy GBAA. The Principal shall also immediately notify the Harassment Investigator after receiving either verbal or written notification of an incident of harassment. When the complainant is a student the student and/or his/her parent/guardian should promptly file a complaint with the Harassment Investigator within five (5) days of the incident. In the instance of an employee's obligation to report to the Harassment Investigator, the employee must file a written complaint with the Harassment Investigator within five (5) days of learning about the incident. A Grafton employee is obligated to report such instances and to write a written complaint to the Harassment Investigator whenever a student indicates that he or she has been subjected to discrimination, harassment, or retaliation as defined in prior sections of this policy or in any instance in which a Grafton employee has witnessed any actions deemed to fit the definitions of discrimination, harassment, or retaliation as defined above.

The Harassment Investigator shall:

1. Notify the student and his/her parent(s)/guardian(s) that the student's claim of harassment has been referred to the Harassment Investigator for an investigation;
2. Notify the proper authorities if the situation warrants such obligation;
3. Notify the respondent of the charge against him/her. If the respondent is an employee, inform him/her that he/she may have a representative present when interviewed by the Harassment Investigator. If the respondent is a student, the parents/guardian are notified;
4. Interview the complainant with parent(s)/guardian(s);
5. Interview the respondent with union representation or parent/guardian, if requested;
6. Interview the employee who notified the Investigator of the claim of harassment;
7. Interview any witnesses named by either the complainant or the respondent, individually and privately, unless the presence of a union representative or other legal representative is requested; and,
8. Submit a written determination to the Superintendent within 5 (five) days of the final interview. The report should include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact;
9. Re-interview the complainant and the respondent, under the same circumstances as the first interview, if the Harassment Investigator believes more information or clarification is necessary. Or, the Harassment Investigator may permit the complainant and the respondent the equal opportunity to submit written reports with any additional information.

The Harassment Investigator shall document the statements of the complainant, the respondent, and the witnesses, as to (a) the date(s) of the alleged incident(s); (b) the dates of the meetings with the interested parties; and (c) the persons present at the meetings.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant shall/will not be tolerated.

The complainant and the respondent shall both verify the Harassment Investigator's documentation of their individual statements as to the incident(s) of harassment, by signing the Harassment Investigator's notes of the meeting(s), and making any corrections to their own statements if necessary.

Upon conclusion of the investigation:

1. The Harassment Investigator shall file a written report within five (5) days which shall include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact.
2. The Superintendent shall determine what action shall be taken within five (5) days, if any.
 - a. If the charge is substantiated, the action to be taken shall consist of, but not be limited to, one of the following:
 - i. (a) Warning
 - ii. (b) Suspension
 - iii. (c) Dismissal, following all due process procedures
 - iv. (d) Expulsion
 - b. The action of the Superintendent shall be taken as soon as possible following the submission of the Harassment Investigator's report.
 - c. The investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.
 - d. The complainant and the respondent will be notified within five (5) days that a determination has been made and if action on their part is required. A copy of the Harassment Investigator's written report shall be provided to both parties.

The decision of the Superintendent may be appealed by the complainant or the respondent within five (5) days. The aggrieved party shall provide a written statement of appeal including pertinent information supporting the appeal. The Superintendent shall review the information and reconsider his/her decision and or findings.

If action is taken, the Superintendent shall notify the School Committee in the same manner as he/she would in other serious matters.

IF HARASSMENT IS DETERMINED TO BE OF THE LEVEL OF "ASSAULT OF A MINOR", THE PROPER AUTHORITIES SHALL BE NOTIFIED AT ANY POINT IN TIME DURING THE INVESTIGATION. THE SCHOOL COMMITTEE'S INVESTIGATION, THROUGH ITS HARASSMENT INVESTIGATOR, SHALL BE SEPARATE; BUT THE SCHOOL COMMITTEE WILL COOPERATE WITH THE AUTHORITIES.

When the complainant is an employee and the respondent is an employee or volunteer:

If an employee believes that he/she has been harassed, he/she shall report the incident immediately in writing to the Harassment Investigator, or a person to whom the complainant feels comfortable reporting such a matter (e.g., union representative, supervisor, etc.). If the harassment is not reported to the Harassment Investigator initially, the person to whom it was reported shall notify the Harassment Investigator immediately upon learning about the harassment.

After the report of harassment, the Harassment Investigator shall immediately begin the investigation. The Harassment Investigator shall:

1. Interview both the complainant and the respondent, individually and privately, unless the presence of a union representative or other legal representative is requested;
2. Document the statements of both the complainant and the respondent by noting (a) the dates of the alleged incident(s), (b) the dates of the meetings with the complainant and the respondent, (c) the persons present at the meetings, and (d) the names of persons given as witnesses;
3. Interview any witnesses named by either the complainant or the respondent, individually and privately, unless the presence of a union representative or other legal representative is requested;
4. Document the statements of the witnesses, who will sign off as to the validity of the statements; and,
5. Re-interview the complainant and the respondent, under the same circumstances as the first interview, if the Harassment Investigator believes more information or clarification is necessary. Or, the Harassment Investigator may permit the complainant and the respondent equal opportunity to submit written reports with any additional information.

The complainant and the respondent shall both verify the Harassment Investigator's documentation of their individual statements as to the incident(s) of harassment by signing the Harassment Investigator's notes of the meeting(s) and making any corrections to their own statements, if necessary.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant will not be tolerated.

Upon conclusion of the investigation:

1. The Harassment Investigator shall file a written report within five (5) days, which shall include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact.
2. The Superintendent, upon receipt of report, shall determine what action shall be taken within five (5) days.
 - If the charge is substantiated, the action to be taken shall consist of, but not be limited to, one of the following.
 - Warning
 - Suspension
 - Dismissal, following all due process procedures
 - The action of the Superintendent shall be taken as soon as possible following the submission of the Harassment Investigator's report.
 - The investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.
 - The complainant and the respondent will be notified within five (5) days that a determination has been made and if action on their part is required. A copy of the Harassment Investigator's written report shall be provided to both parties.

The decision of the Superintendent may be appealed by the complainant or the respondent within five (5) days. The aggrieved party shall provide a written statement of appeal including pertinent information supporting the appeal. The Superintendent shall review the information and reconsider his/her decision and or findings.

If action is taken, the Superintendent shall notify the School Committee in the same manner as he/she would in other serious matters.

When the complainant is an employee and the respondent is a student:

If an employee believes that he/she has been harassed by a student, the employee shall report the incident(s) in writing immediately to the Harassment Investigator.

After the report of harassment, the Harassment Investigator shall immediately commence the investigation. The Harassment Investigator shall:

1. Notify the parent(s)/guardian(s) of the student respondent;
2. Interview the complainant with union representation present, if requested
3. Interview the student respondent with parent(s)/guardian(s) and/or legal representation present;
4. Document the statements of both the complainant and the student respondent by noting (a) the dates of the alleged incident(s), (b) the dates of the meetings with the complainant and the respondent, (c) the persons present at the meetings, and (d) the names of persons given as witnesses;
5. Interview any employee witnesses named by either the complainant or the respondent, individually and privately, unless the presence of a union representative is requested;
6. Interview any student witnesses, named by either the complainant or the respondent, with either parental approval or the parent(s)/guardian(s) present;
7. Document the statements of the witnesses who will sign off as to the validity of the statements; and,
8. Re-interview the complainant and the respondent under the same circumstances as the first interview, if the Harassment Investigator believes more information or clarification is necessary. The Harassment Investigator may permit the complainant and the respondent the equal opportunity to submit written reports with any additional information.

The respondent shall be informed of the complainant's identity and shall also be informed that reprisals against the complainant shall/will not be tolerated.

The complainant and the student respondent shall both verify the Harassment Investigator's notes of the meetings, making any corrections to their own statements, if necessary (parent/guardian co-sign).

Upon completion of the investigation:

1. The Harassment Investigator shall file a written report within five (5) days which shall include a determination of whether harassment occurred, a procedural summary, a summary of evidence, and finding of fact;
 2. The Superintendent, upon receipt of report, shall determine what action shall be taken within five (5) days.
 - The action to be taken may include, but not be limited to:
 - a. An apology to the victim;
 - b. Participation in a workshop in awareness of harassment;
 - c. Detention;
 - d. Researching and writing a paper on the topic of harassment;
 - e. Counseling;
 - f. Suspension or expulsion. The procedure for suspension will follow the procedure set forth in the Student Handbook for serious offenses.
- The action of the Superintendent shall be taken as soon as possible following the submission of the Harassment Investigator's report.
 - The investigation report and, if action is taken, the report of said action shall be placed in the respondent's personnel file.
 - The complainant and the respondent will be notified within five (5) days that a determination has been made and if action on their part is required. A copy of the Harassment Investigator's written report shall be provided to both parties.
 - The decision of the Superintendent may be appealed by the complainant or the respondent within five (5) days. The aggrieved party shall provide a written statement of appeal including pertinent information supporting the appeal. The Superintendent shall review the information and reconsider his/her decision and or findings.

If action is taken, the Superintendent shall notify the School Committee in the same manner as he/she would in other serious matters.

Bullying Policy

Reporting

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee or to the superintendent or designee when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, and the superintendent or designee when the principal or the assistant principal is the alleged aggressor, will be incorporated in student and staff handbooks,

on the school or district website, and in information about the Plan that is made available to parents or guardians.

Reporting by Staff

A staff member will report immediately to the principal or designee, or to the superintendent or designee when the principal or the assistant principal is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

Reporting by Students, Parents or Guardians, and Others

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

Responding to a report of bullying or retaliation – Allegations of Bullying by a Student.

Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. (Include locally established student safety planning policies and procedures here.)

Obligations to Notify Others

- Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.
- In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school

resource officer, if any, and other individuals the principal or designee deems appropriate.

Investigation

The principal or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation. (Align this with school or district procedures.)

Determinations

The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the student's teacher(s) and/or school counselor, and the target's or student aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The principal or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

Safeguards

REPRISAL AGAINST THE COMPLAINANT OR ANY WITNESSES SHALL NOT BE TOLERATED.

CONFIDENTIALITY WILL BE MAINTAINED TO THE BEST ABILITY OF THE HARASSMENT INVESTIGATOR. THE PERSONS WHO NEED TO KNOW WILL BE THE ONLY ONES TO BE TOLD THE NAMES OF THE PARTIES.

If either the complainant or the respondent is dissatisfied with the results of the investigation of the harassment charge, he/she may discuss his/her dissatisfaction directly with the Superintendent.

At all times, the parties retain all rights under state and federal laws, and are free to avail themselves of those rights.

If an individual believes that he/she has been subjected to harassment, he/she may file a formal complaint with either or both of the government agencies set forth below. Using the District's complaint process does not prohibit an individual from filing a

complaint with the agencies listed below. Each of the agencies has a short time period for filing a claim (EEOC – 180 days; MCAD – 6 months).

1. The United States Equal Employment Opportunity Commission (“EEOC”)
475 J.F.K. Federal Building
Government Center
Boston, MA 02203
2. The Massachusetts Commission Against Discrimination (“MCAD”)
436 Dwight Street
Suite 220
Springfield, MA 01103

If an individual believes that he/she has been subjected to discrimination, harassment, or retaliation based on race, color, national origin, ethnicity, ancestry, sex, gender, disability, or age, he/she may file a formal complaint with the following government agency:

U.S. Department of Education, Office for Civil Rights, Region 1
Boston Regional Office
5 Post Office Square, 8th Floor
Boston, MA 02109-3921

Phone: 617-289-0111
Facsimile: 617-289-0150
Email: OCR.Boston@ed.gov

If a student or parent / guardian wishes to issue a complaint related to the identification, evaluation, and placement of students with disabilities, then the individual is directed to use the **Section 504 Rights and Appeals Process** located in each Grafton Public Schools’ Building Handbooks. This process is separate from disability-based allegations of harassment, discrimination, and bullying.

The Committee issues this policy to provide measures to fight harassment at a level below litigation; the School District does not intend to usurp any rights guaranteed under state or federal laws.

Copies of this policy shall be given on an annual basis to each student and employee of the School District—either as a part of a handbook or by the normal route for disseminating important notices—and posted in conspicuous places; i.e., places where employees gather and are most likely to see the postings.

The School District shall arrange trainings for the students and employees to explain the policy and sensitize students and employees to harassment.

Sources utilized in forming this policy include:

Who's Hurt and Who's Liable: Sexual Harassment in Massachusetts Schools,
Massachusetts Board of Education (1986)

Sexual Harassment in the Schools: Preventing and Defending Against Claims, Gregory,
Gwendolyn H., Naomi E. Giltens, et al., eds.
Revised Edition, NSBA Council of School Attorneys (1993).

Approved October 28, 2002

Revised: October 11, 2005

Revised December 11, 2006

Revised June 25, 2007

Reviewed March 24, 2008

Reviewed March 9, 2009

Reviewed March 22, 2010

Reviewed January 10, 2011

Reviewed April 12, 2016

Revised May 26, 2017

Revised August 3, 2017

Revised December 11, 2018

