

HARASSMENT POLICY

File: JICFA

(SEXUAL HARASSMENT, BULLYING, AND HAZING)

I. Policy

- A. It is the policy of the Uxbridge Public Schools to provide a learning and working atmosphere for students, employees and visitors free from sexual harassment, bullying, hazing, and intimidation. These terms are collectively referenced as “harassment.” Harassment means conduct that is designed to embarrass, distress, agitate, disturb or trouble another individual. It includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, sexual orientation, religion, marital status or disability.

Harassment may take many forms. In a school district such could involve an instance of staff member to staff member, staff member to student, student to staff member, or student to student. Conceivably, it could also include parent to student other than the parent’s child, staff member to parent, or parent to staff member. In addition, this policy shall apply to members of the School Committee. This listing is illustrative and the procedures set forth herein are not intended to limit the definition of harassment, nor the District’s authority to take appropriate action as to same, except to the extent that specific subject matter is expressly addressed herein.

- B. It is the responsibility of every employee, student and parent to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.
- C. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone harassment in school, on school grounds, or at or in a school- related function, activity, communication, or contact, or to fail to report, or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- D. This policy is not designed or intended to, nor shall it, limit the school’s authority to take disciplinary action or to take remedial action when such harassment occurs out of school, but has a sufficient nexus to school under applicable law, or is disruptive to an employee’s or student’s work or participation in school-related activities.

Reports of harassment including, but not limited to, cyber-bullying by electronic or other means occurring in or out of school will be reviewed, and when a sufficient connection to school or school-related work exists will result in discipline.

- E. Any employee or student who believes that he or she has been subjected to harassment has the right to file a complaint and to receive reasonably prompt and appropriate handling of the complaint. While proper enforcement of this policy foreseeably may require disclosure of any or all information received, all reasonable efforts will be made to maintain confidentiality to the extent consistent with such enforcement.

- F. The Building Principal/Designee shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of harassment.
- G. The Superintendent or his/her designee shall oversee the development of a Bullying Prevention and Intervention Plan that meets the requirements under M.G.L. Chapter 71, Section 370, which shall be reviewed and updated at least bi-annually.

II. Procedures

A. Definitions – Sexual Harassment Prohibited

“Sexual Harassment” means unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronically transmitted, or physical conduct of a sexual nature including, but not limited to, unwelcome comments, touching, written notes, pictures/cartoons or other inappropriate conduct, such as: leering, whistling, brushing up against the body, commenting on sexual activity or body parts or other activity referred to by the Model MCAD policy prohibiting such behavior. Harassment has the effect of creating an intimidating, hostile, or offensive work or learning environment that takes place under any of the following circumstances:

1. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in school activities or programs;
2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subjected to sexual advances;
3. When such conduct has the effect of unreasonably interfering with the individual’s work, attendance at school or participation in academic or curricular activities, or
4. When such conduct has the effect of creating an intimidating, hostile, or offensive work or learning environment through severe or pervasive behavior which substantially and materially interferes with work or school opportunities.

B. Definitions – Bullying Prohibited

Bullying may take a variety of forms. It is unacceptable in a school or work environment. As a result no student or employee shall be subjected to harassment, intimidation, bullying, or cyberbullying in any public educational institute:

1. “Bullying” means repeated unwelcome written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself/herself or of damage to their property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.

The behavior must interfere with an employee's ability to perform his or her duties or with a student's academic performance or ability to learn, or interfere with a student's ability to participate in or benefit from services, activities, or privileges:

- a. that are being offered through the school district; or
 - b. during education programs or activities; or
 - c. while in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events
2. "Cyber-bullying" means bullying through the use of technology in any form including, but not limited to, any form of electronic communication. Examples of "electronic communication" include, but are not limited to, delivery of prohibited (bullying) communication via telephone, cellular phone, pager or computer. Other media through which "cyber-bullying" may occur includes any transfer of signs, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, but is not limited to electronic mail, instant messages, internet or facsimile communications.

Cyber-bullying shall also include knowing impersonation of another person as the author of posted content or messages, if the creator or impersonation causes any of the conditions enumerated in clauses (i) to (v) included in the definition of "bullying" (B. 1). Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons.

3. "Hostile environment" means, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

C. Definitions – Hazing Prohibited

The term "hazing" shall mean any conduct or method of initiation, even if consented to, into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

1. Such conduct shall include, but is not limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep, rest, or extended isolation.

2. Whoever knows that another person is the victim of hazing and is at the scene of such activity shall, to the extent that such person can do so without danger or peril to himself or others, report such activity to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such behavior shall be subject to discipline.

LEGAL REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act
3. Chapter 151C, Massachusetts General Laws
4. M.G.L. Chapter 76 section 5
5. M.G.L. Chapter 269 sections 17, 18, 19
6. M.G.L. Chapter 71, sections 82, 84

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