

STOUGHTON PUBLIC SCHOOLS

School Committee Policy ACAB - HARASSMENT

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Stoughton Public Schools. This policy covers conduct that occurs on school property, on school buses, or otherwise during a school program or activity, including conduct occurring at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred. Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of a student's education or of a student's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Student- to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment may include, but is not limited to:

- Written, verbal, or physical threats or abuse (including via texting, blogging, or other social media or technological methods); and
- Demeaning jokes, stories, or activities directed at the student.

Whether certain conduct constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will designate a Title IX Coordinator and building based civil rights representatives, who may include principals or their designee, to ensure effective implementation of State and Federal Civil Rights Laws. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes: (i) unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; and (ii) sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature; (iii) conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct; and (iv) sexual assault as defined by the federal Clery Act or sexual violence defined by the federal Office of Civil Rights (OCR) as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Following are some examples of conduct, which may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- 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;
- Comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

Because the District takes allegations of harassment, including sexual harassment, seriously, the District will respond promptly to complaints of, and following an investigation where it is determined that such inappropriate conduct has occurred, will act promptly to eliminate the conduct and impose corrective action, including disciplinary action where appropriate.

Please note that while this policy sets forth the District's goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which the District deems unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant who has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject

to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed.

DUE PROCESS PROTECTIONS

It is the District's policy to provide due process to all parties when a harassment complaint is made. Due process protections include the following:

1. A presumption of innocence applies to the accused throughout the grievance process, with the burden of proof on the District;
2. The decision maker will be a different individual from the Title IX Coordinator or investigator;
3. The preponderance of the evidence standard applies;
4. Written notice of allegations and an equal opportunity to review the evidence;
5. Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
6. Equal opportunity for parties to appeal, where schools offer appeals;
7. Upon filing a formal complaint, the school must give written notice to the parties containing sufficient details to permit a party to prepare for an initial interview and proceed with a factual investigation. The parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying the preponderance of the evidence standard; and
8. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

The District may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. In a matter of sexual harassment, the Title IX Coordinator shall be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients.

The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under

the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed. Records requirements include documenting supportive measures offered and implemented for the complainant, as well as alternative forms of dispute resolution to include mediation or restorative justice.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Stoughton Public School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

The Stoughton Public School District's Title IX Coordinator is:

Jonathan Ford
Deputy Superintendent / Title IX Coordinator
31 Pierce Street
Stoughton, MA 02072
(781) 344 – 4000 x 51229
j_ford@stoughtonschools.org

At each of the District's individual schools, the Civil Rights Representative is the principal.

The Complainant may also file a complaint with any of the agencies below (subject to specific time limits):

The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601
Boston, MA 02108
Phone: 617-994-6000

Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109
Phone: 617-289-0111

The United States Equal Employment Opportunity Commission
John F. Kennedy Building
475 Government Center
Boston, MA 02203

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

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.