

All persons associated with the Attleboro Public Schools, including, but not necessarily limited to, the Committee, the administration, staff, students and third parties, have the right to a positive and safe environment that is free from harassment and discrimination based on sex. Attleboro Public Schools will not tolerate any unlawful or disruptive behavior, including any form of sex-based harassment, or retaliation, in our schools, on school grounds, or in school-related activities. All persons are expected to conduct themselves at all times so as to provide an atmosphere free from sexual and gender-based harassment. Further, the district prohibits any retaliation against an individual who has complained about sex-based harassment or retaliation against individuals for cooperating in an investigation of a sex-based harassment complaint.

We take allegations of sex-based harassment seriously, and therefore, will investigate promptly all incidents of sexual and gender-based harassment of students, employees or third parties. We will respond to any complaints or reports promptly, and will take appropriate action, which may include disciplinary actions against students and/or staff found to have committed such harassment, as outlined in the Attleboro Public Schools' Nondiscrimination and Anti-Harassment Procedures. We will act promptly to eliminate the conduct and impose such corrective action as is necessary. In addition, the district will provide remedies to the reporting students where appropriate.

Attleboro Public Schools will take prompt and responsive steps reasonably designed to stop any sex-based harassment, eliminate the hostile environment if one has been created, and prevent recurrences of any harassment of which it becomes aware or should have been aware, regardless of whether a formal complaint is filed. The District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence, which may include, but not be limited to sex-based harassment. In consultation with these constituencies, policies and procedures have been developed to respond in a confidential, impartial, and equitable manner to all complaints, whether formal filing or informal identification of harassment has occurred, by employees, students, or third parties, as outlined in the Attleboro Public Schools' Non-Discrimination and Anti-Harassment Procedures.

This policy sets forth our goal of promoting a workplace and school environment that is free of sex-based harassment and is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sex-based harassment.

Attleboro Public Schools requires that any staff member who receives a complaint, observes or otherwise learns or becomes aware of possible sex-based harassments report the incident to the principal at the respective school site or the Title IX Coordinator with the assurance that the investigation process will take place promptly and be consistent with following the policies and procedures as outlined.

Harassment is banned not just at school during school hours, but also before or after school hours on all school property, including the school bus, school functions, or school events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment taking into consideration the totality of the circumstances on and off campus.

Some examples of off-campus conduct that spill over into school are as follows:

- A student alleges that she was sexually assaulted by another student off school grounds and that, upon returning to school, she was taunted and harassed by other students who are the assailant's friends.
- While at home, a student posts a song that contains a statement about a fellow student's sexual orientation on Facebook for his 1,000 "friends", many of whom are students at his school. The song goes "viral" and is the primary topic of conversation at school for weeks, and results in the harassed student staying home and missing school.

An example where off-campus conduct does not have a continuing effect at school (so that the school is not in a position to impose consequences):

- At a neighborhood party on a Saturday night, two students called each other names based on gender-identity and a fight broke out between the students. There were no repercussions at school following the incident.

Definitions

In order to ensure a common language to be used and understood by all stakeholders, the following definitions are provided:

District employee: For purposes of this policy, district employee includes school board members, district employees, agents, volunteers, contractors/vendors, or persons subject to the supervision and control of the district.

Harassment: unwelcome conduct that creates a hostile environment. Harassing conduct may take many forms, including but not limited to verbal acts and name-calling, as well as nonverbal behavior that is physically threatening, harmful, or humiliating. Conduct is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.

Sex-based harassment: includes both sexual harassment and gender-based harassment.

Sexual Harassment as defined in M.G.L. c. 151 B, Section 1: Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment, as a basis for employment decisions or educational development.
2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.
3. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Examples of conduct that may constitute sexual harassment, if unwelcome, include: (1) suggestive or obscene letters, notes, invitations, graffiti, jokes, or comments; slurs; epithets; sexual gestures; and displays of sexually suggestive objects, pictures, or cartoons; (2) groping, sexual touching, leering, and impeding or blocking movement; (3) sexual conduct that would be considered criminal activity, including sexual assault and sexual exploitation; (4) continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction, among peers, is not considered sexual harassment); (5) threatening to withhold grades earned or deserved or suggesting a scholarship recommendation or college application will be denied, as a condition of receiving sexual favors; (6) engaging in sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student; (7) offering favors or educational benefits, such as grades, assessments, assignments, and recommendations in exchange for sexual favors; (8) inappropriate sexual touching between students that, even if consensual, contributes to a sexually charged environment for other students who witness the behavior; (9) any sexual conduct or expression of sexual interest by an adult toward a student regardless of reciprocity.

Gender-based harassment: includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature, including harassment based on gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the person's nonconformity with gender stereotypes, regardless of the actual or perceived sex, gender identity or expression, or sexual orientation of the harasser or target of the harassment.

Examples of conduct that may constitute gender-based harassment include: (1) disparaging remarks made to a student or aggression toward a student because that student displays mannerisms or a style of dress perceived as indicative of the other sex; (2) hostility toward a student because that student participates in an athletic activity more typically favored by a student of the other sex; (3) intimidating a student to discourage that student from enrolling in a particular area of study because of his/her gender; (4) use of gender-specific slurs, whether written or spoken; (5) taunting a student who wishes to participate in an extracurricular activity because that activity is more typically favored by a student of the other sex.

Gender stereotypes: refers to stereotypical notions of masculinity and femininity or expectations of how boys or girls should act.

Sexual assault: the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger. Such contact is unwanted when it occurs without the consent of one or both individuals, when one of the

individuals is incapacitated or incapable of giving consent, or occurs with the use of force.

Hostile environment: Unwelcome conduct that is sufficiently severe, persistent, or pervasive to interfere with or limit one or more students' abilities to participate in or benefit from the education program or creates a threatening, intimidating or abusive environment or sufficiently severe or pervasive so as to alter the conditions of the victim's employment and create an abusive working environment.

Retaliation is any form of intimidation, threatening, coercion or discrimination, directed against a student/staff/third party who reports a sex-based harassment, provides information during, assists in or participates in an investigation of sex-based harassment, or witnesses or has reliable information about sex-based harassment.

The Discrimination/Harassment Official and Title IX Officer for employees and third parties is: Julienne Singer, Director of Human Resources, 100 Rathbun Willard Drive, Attleboro, MA 02703 email: jsinger@attleboroschools.com 508-222-0012 extension 1367.

The Discrimination/Harassment Official and Title IX Officer for students is Laurie Regan, Assistant Superintendent, 100 Rathbun Willard Drive, Attleboro, MA 02703 email: lregan@attleboroschools.com 508-222-0012 extension 1640

At each of the nine schools, the building-based principal will serve as building level grievance officer.

The committee will annually appoint the District's Title IX officers and this information will be disseminated yearly to students, faculty, and other third parties. The Title IX officers will be vested with the authority and responsibility for ensuring the district's compliance with Title IX and its accompanying regulations, including the processing of all sexual harassment complaints in accordance with the procedure set out in the Nondiscrimination/Anti-Harassment Procedures.

SOURCE: MASC

LEGAL REFs: Title VII, Section 703, Civil Rights Act of 1964 as amended 45
Federal Regulation 74676 issued by EEO Commission
Education Amendments of 1972, 20 U.S.C. 1681 et
seq. (Title IX)
Board of Education 603 CMR 26:00

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