

**ATTLEBORO PUBLIC SCHOOLS**  
Attleboro, Massachusetts

File: ACAB-E-1

**NONDISCRIMINATION / ANTI-HARASSMENT PROCEDURES**

**INVESTIGATION PROCESS**

Any individual who believes he or she has been harassed, or who has witnessed or learned about the harassment of another person in the school environment, should inform the School Principal or appropriate discrimination/harassment complaint official as soon as possible. If the individual does not address the problem in an effective manner, the individual should inform the appropriate discrimination/ harassment complaint official. The discrimination/harassment complaint officials for the Attleboro Public Schools are:

Titles VI, VII, IX, Chapter 622, and Age Discrimination Coordinator  
Director of Personnel Services  
Attleboro Public Schools  
100 Rathbun Willard Drive, Attleboro, Massachusetts 02703-2799  
(508) 222-0012, ext. 140

Section 504 / Americans with Disabilities Act (ADA)  
Director of Special Education and Student Support Services  
Attleboro Public Schools  
100 Rathbun Willard Drive, Attleboro, Massachusetts 02703-2799  
(508) 222-0012, ext. 403

Titles VI, VII, IX, Chapter 622, Section 504/ADA and Age Discrimination Appeals Officer  
Director for Teaching and Learning Excellence  
Attleboro Public Schools  
100 Rathbun Willard Drive, Attleboro, Massachusetts 02703-2799  
(508) 222-0012, ext. 166

U. S. Department of Education Office of Civil Rights  
33 Arch Street, Ninth Floor  
Boston, MA 02110  
Phone: (617) 289-0111  
FAX: (617) 289-0150

The Attleboro Public Schools will promptly investigate every complaint of harassment. If it determines that harassment has occurred, it will take appropriate action to end the harassment and to ensure that it is not repeated. Confidentiality will be maintained to the extent consistent with the school's obligations under law and under applicable collective bargaining agreements.

Complaints between the alleged victim and the alleged harasser may be handled two ways: through an Informal or Formal Procedure.

- A. A student who has a complaint against another student may choose to use the Informal Procedure.
- B. An employee who has a complaint against another employee may choose to use the Informal Procedure.
- C. A student who has a complaint against an employee shall be handled only through the Formal Procedure.

In certain cases, the harassment of a student may constitute child abuse under state law. The Attleboro Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

Please note that if the student or employee who is the alleged victim or the alleged harasser chooses not to utilize the Informal Procedure, or feels that the Informal Procedure is inadequate or has been unsuccessful, s/he may proceed to the Formal Procedure.

### **INFORMAL PROCEDURE**

*(May be chosen in complaints between students and in complaints between employees.)*

It may be possible to resolve a complaint through the voluntary conversation between the alleged victim and the alleged harasser which is facilitated by a school employee or by a designated discrimination/harassment complaint official. If the alleged victim or alleged harasser is a student under the age of eighteen (18), the School Principal or the discrimination/harassment complaint official **will** notify the student's parent(s)/ guardian(s) if, after initial consultation with the student, it is determined to be in the best interest of the student. Both the alleged victim and the alleged harasser may be accompanied by a person of their choice for support and guidance. If the alleged victim and the alleged harasser feel that a resolution has been achieved, then the conversation remains confidential and no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the School Principal if the complaint has been resolved through a staff member or to the Superintendent if the complaint has been resolved through the School Principal.

### **FORMAL PROCEDURE**

*(Must be chosen for complaints between students and employees.)*

#### **Step 1**

## ACAB-E-1: Anti-harassment Policy Procedures

The discrimination/harassment complaint official shall complete a discrimination/ harassment complaint form based on the written or verbal allegations of the alleged victim. The complaint form shall be filed with the Director of Personnel Services and kept in a centralized and secure location.

- A. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior. If a student under eighteen (18) years of age is involved, his/her parents shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interests of the student.
- B. An investigation shall be completed by the discrimination/harassment complaint official within fourteen (14) workdays from the date of the complaint or report.

## Step 2

The investigation may consist of personal interviews with the alleged victim, the alleged harasser, and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The complainant and/or the alleged victim may be accompanied by a person of their choice. In determining whether the alleged conduct constitutes a violation of this policy, the discrimination/harassment complaint official shall consider the surrounding circumstances, any relevant documents, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances.

In addition, the Attleboro Public Schools may take immediate steps, at its discretion, to protect the alleged victim, alleged harasser, witnesses, and school employees pending completion of an investigation of the alleged discrimination and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, etc. Police may also be notified when deemed appropriate.

The investigation will be completed as soon as practicable and, if possible, within fourteen (14) workdays from the complaint or report. The discrimination/harassment complaint official shall make a written report to the School Principal and the Superintendent upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## Step 3

The discrimination/harassment complaint official shall recommend to the School Principal and/or Superintendent what action, if any, is required. The Attleboro Public Schools shall take appropriate action in all cases where the discrimination/harassment complaint official concludes that this policy has been violated. Any person who is determined to have violated this policy shall be subject to action, including but not limited to reprimand, suspension,

termination/expulsion, or other sanctions as determined by the school district administration.

Action taken for violation of this policy shall be consistent with state and federal law, including but not limited to the due process protection for students with disabilities, Attleboro School District policy, the requirements of and any applicable collective bargaining agreement.

**Step 4**

The Superintendent shall receive a copy of the investigation report and results. The School Principal and/or Superintendent shall maintain the written report of the investigation and results in his/her office.

The alleged victim and the alleged harasser shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken.

**APPEALS**

A party may appeal the decision of the school principal or the discrimination/harassment complaint official in writing to the Superintendent within fifteen (15) workdays of receipt of the findings of the formal procedure. The Superintendent will review the adequacy of the investigations and the conclusions. Parties will be given an opportunity to present their case to the Superintendent.

**REPORTING OF POTENTIAL PHYSICAL AND/OR SEXUAL ABUSE**

Several behaviors listed as sexual harassment may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any person involving sexual molestation or exploitation of a child, including but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also be possible physical and/or sexual abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Social Services within 24 hours of the time the educator becomes aware of the suspected abuse.

**CONFIDENTIALITY**

The Attleboro Public Schools recognizes that both the alleged victim and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the alleged victim, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

LEGAL REF.: School Law in Massachusetts, Rhoda E. Schneider et al  
1<sup>st</sup> Supplement 2007 - Preventing and Responding to Harassment  
Exhibit 8A - Anti-harassment Policy

**SCHOOL COMMITTEE TABLED - MARCH 10, 2008**

*Reviewed/approved by Ed Lenox - approved by Policy Subcommittee -  
March 4, 2008*

*(Code change - replaces AC-E-1 approved June 2004, amended April 2007)*