

## Harassment

The Belmont Public Schools are committed to maintaining a school and work environment free of harassment based on race, color, religion, national origin, ancestry, age, gender, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law. The Belmont Public Schools expect all employees and members of the school community to conduct themselves in an appropriate and professional manner with concern for their fellow employees and students. The Belmont Public Schools shall comply with all federal and state laws and regulations prohibiting harassment.

Harassment on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, disability, active military or veteran status or genetic information in any form is unlawful and will not be tolerated. Such harassment can include unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender or to any individual or group based on race, color, religion, national origin, ancestry, age, gender, sexual orientation, disability, active military or veteran status or genetic information.

In addition, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or maintain employment or educational development and opportunity, or
2. submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual, or
3. such conduct or communication whether intended or not, is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive work or educational environment.

The Superintendent shall insure that all members of the school community are informed of this policy.

Any violation of this policy should be brought to the attention of the Superintendent, who will take appropriate action in accordance with the Belmont Public Schools procedures for reporting and investigating harassment. The Superintendent can be reached at 644 Pleasant St, Belmont, MA 02478, or by phone at 617 993-5400. A copy

of this procedure is available in each school office and from the Human Resource Manager, who can be reached at 617 993-5400.

Any student, employee or other member of the school community found to have engaged in harassment shall be subject to disciplinary action, including, but not limited to, warning, suspension, expulsion or termination, subject to applicable procedural requirements. In addition, retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of the school administration, or who has cooperated in an investigation of a complaint under this policy, is unlawful and will not be tolerated by the Belmont Public Schools. Retaliation may result in disciplinary action, including, but not limited to, warning, suspension, expulsion or termination, subject to applicable procedural requirements.

Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts law (Chapter 119, sec. 51A). The Belmont Public Schools shall comply with Massachusetts laws in reporting suspected cases of child abuse.

The state agency responsible for enforcing laws prohibiting harassment is the Massachusetts Commission Against Discrimination (MCAD), located at 1 Ashburton Place, Boston, MA. The federal agency responsible for enforcing federal laws prohibiting harassment in the employment context is the Equal Employment Opportunity Commission (EEOC) located at the John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203

#### References:

Title VII of the Civil Rights Act of 1964, § 703; 42 USC 2000e et seq  
Title IX of the Education Amendments of 1972; 20 USC 1681 et seq  
Title II, Americans with Disabilities Act; 42 USC 12131-12134  
The Rehabilitation Act of 1973, §504; 29 USC 794  
MGL C 151B §3A-7: Unlawful discrimination  
MGL C 76 §5: Place of Attendance; violations; discrimination

Procedure: 0002P – Procedures for Reporting and Handling Complaints of Harassment

## **Uniform Complaint Procedures for Harassment or Discrimination Claims**

These procedures cover complaints alleging discrimination or harassment based on race, color, national origin, ancestry, ethnicity, gender, religion, age, sexual orientation, marital status, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law.

### **A. Compliance Coordinators**

The following people have been designated to handle inquiries regarding these laws and may be contacted at 644 Pleasant Street, Belmont, MA 02478

Coordinator of Title VI and Title IX:

Janice Darias  
Assistant Superintendent  
617-993-5410

Coordinator of Section 504 for Students:

Kenneth Kramer  
Director of Student Services  
617-993-5440

Coordinator of Section 504 for Employment:

Mary Pederson  
Human Resources Manager  
617-993-5425

### **B. Reporting**

A member of the Belmont Public School Community (student, employee, volunteer, intern, student teacher or visitor) who believes that s/he has been the target of harassment or discrimination, or who has first-hand knowledge of harassment or discrimination, should report incident(s) to any teacher, guidance counselor, or school administrator.

Any employee who witnesses, overhears, or receives information concerning an incident of harassment or discrimination against students at school or during school-sponsored activities shall report it to the principal. If the incident involves the principal, the employee shall make the report directly to the Superintendent at 644 Pleasant Street, Belmont, 617 993-5401.

Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

### **C. Informal Resolution Procedure**

Before initiating the formal procedure, a complainant has the option to resolve any complaint on an informal basis. The appropriate school administrator shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously within ten (10) working days of receiving the complaint.

If the complainant is not satisfied with the resolution, or it s/he does not choose informal resolution, the formal complaint process will be utilized.

### **D. Formal Resolution Procedure**

Within twenty (20) calendar days after the alleged harassment or discriminatory practice occurs, the complainant may direct a formal complaint to a Compliance Coordinator, listed above, or to one of the following:

Students: to the Principal.

Employees: to the Human Resource Manager.

Other Community members: to the Superintendent.

If the complaint concerns the Superintendent, a formal complaint may be directed to the Chair of the School Committee.

The complaint should state the name of the individual and the location where the alleged harassment or discriminatory practice occurred, the basis for the complaint and the corrective action sought. The complaint should be in writing or may be taken orally and reduced to writing by a designated staff member. All complaints, if not initially directed to the Superintendent shall be forwarded to the Superintendent within 24 hours of receipt.

### **E. Investigation**

The administrator designated to receive and investigate complaints alleging harassment or discrimination shall promptly conduct an investigation which will include interviews with the individuals involved. The investigator may also contact any other persons who may have knowledge of the circumstances giving rise to the complaint, and may review other material including written, aural or video documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider, among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.

The investigation shall be completed as soon as practicable, but in no event later than thirty (30) calendar days following receipt of the complaint. The thirty (30)

days may be extended if the investigation reveals the need for additional information. In such event, the investigator shall document the investigation's progress, the reason for extending the process beyond thirty (30) calendar days and an estimated number of additional days required to complete the investigation. The complainant shall be notified of the extension.

Upon completion of the investigation, the investigator shall decide if a violation of any BPS policy on harassment or discrimination has occurred and report that decision in writing, along with the evidence supporting it, to the Superintendent or, if the complaint involves the superintendent, directly to the chair of the School Committee, for appropriate action in accordance with school district disciplinary policy. The results of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

## **F. Resolution**

The district shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to:

- for Students: counseling, awareness training, parent-teacher conferences, warning, suspension and/or expulsion
- for Employees: counseling, awareness training, transfer, suspension and/or termination
- for volunteers or others: Restriction of activities and/or termination from position.

In determining an appropriate response to a finding that harassment in violation of this policy has occurred, the School District shall consider:

- what response is most likely to end any ongoing harassment,
- whether a particular response is likely to deter similar future conduct by the harasser or others,
- the amount and kind of harm suffered by the victim of the harassment,
- the identity of the party who engaged in the harassing conduct, whether the harassment was engaged in by school personnel, and if it was, how the District can best remediate the effects of the harassment.

Action taken for violation of this policy will be consistent with the requirements of Massachusetts and federal law, School District policies and applicable collective bargaining agreements.

If a satisfactory resolution cannot be reached through either the informal or formal resolution procedures detailed above, the complainant has the right to take the

complaint to an appropriate state or federal agency. Use of the Belmont Public School's complaint process does not prohibit the filing of a complaint with these agencies.

For students, complaints may be taken to the

Office for Civil Rights  
U.S. Department of Education  
33 Arch Street, Suite 900  
Boston, MA 02110-1491

or

The Bureau of Equal Education Opportunity,  
Massachusetts Department of Elementary and Secondary Education  
75 Pleasant Street, Malden, MA 02148-4906

or other appropriate state or federal agency.

For employees or applicants for employment, complaints may be taken to the

Massachusetts Commission Against Discrimination  
One Ashburton Place  
Boston, Massachusetts

or

Equal Employment Opportunity Commission  
One Congress Street, 10th Floor  
Boston, Massachusetts

or other appropriate state or federal agency.

## **G. Retaliation**

Retaliation for reporting harassment or cooperating in an investigation of harassment is a violation of Massachusetts law. Any person who retaliates against any individual who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment or discrimination complaint will be subject to appropriate action and/or discipline.

## **H. Record Keeping**

A record of any complaint and investigation of harassment or discrimination as well as the disposition of the complaint and any disciplinary or remedial action taken will be maintained by the School District in a confidential file.