

Discrimination and Harassment Policy

It is the policy of the Essex North Shore Agricultural and Technical School District to provide a safe and secure learning and work environment for all students and employees without distinction, where all school community members treat each other with respect. All programs, activities, and employment opportunities are offered without regard for race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability.

The Essex North Shore Agricultural and Technical School District School Committee is committed to the prevention, remediation, and accurate reporting of discrimination and harassment, bias incidents, and civil rights violations, including hate crimes, based on race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability and any other class or characteristic protected by law. The District also prohibits other harmful conduct by reasons unrelated to the above characteristics.

The School Committee has developed this policy to ensure that the educational opportunities of all students and the employment conditions of all employees are not threatened or limited by such violations of discrimination or harassment to ensure that differences are respected and individuals are free to work, learn, and develop relationships without fear of intimidation, humiliation, or degradation.

Discrimination, sexual and bias motivated harassment, hate crime, and violations of civil rights, bullying and cyber-bullying disrupt the educational process and workplace and will not be tolerated. The law guarantees the civil rights of all school community members and the protection of those rights is of utmost importance and priority to the Essex North Shore Agricultural and Technical School District. The District will employ cohesive, whole school practices to combat discrimination and harassment, effectively intervene, and empower bystanders.

It is a violation of this policy for any administrator, teacher, or other employee, visitor, or other third party to engage in or condone discrimination or harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of discrimination or harassment.

This policy defines prohibited conduct and responsibilities for reporting and investigating. It will be a violation of this policy for any employee or student of the Essex North Shore Agricultural and Technical School District, visitor, or contractor working in the District, to harass or discriminate against another employee, adult member of the school community, student, applicant for employment, or other person having business to conduct with the District, through conduct or communications. The Superintendent-Director is responsible for developing procedures for reporting and investigating discrimination and harassment, as well as for implementing disciplinary sanctions.

This policy applies to all sites and activities that the District supervises, controls, or where it has jurisdiction under the law. It applies to all students, school committee members, school employees, independent contractors, visitors, recruiters, award and scholarship donors, school volunteers, parents, and guardians.

The District will investigate promptly all reports and complaints of harassment, discrimination, hate crimes, bullying, cyber-bullying, and retaliation, and take prompt, effective action to end that behavior and prevent its recurrence. Action will include, where appropriate, referral to a law enforcement agency and/or to the Department of Children & Families (DCF). The District will support this policy in all aspects of its activities, including its curricula, instructional

program, staff development, extracurricular activities, school-related activities, and school-related transportation. The intent of this policy is not merely to provide rules to prohibit inappropriate or illegal behavior, but also to support and educate all members of our school community as to appropriate behavior that is consistent with individual dignity, respect for others, and an appreciation for the diversity in our school and programs.

UNLAWFUL AND PROHIBITED CONDUCT DEFINED

Hate Crime

- Hate crime is any crime motivated by hatred or bias, or where the victim is targeted or selected for the crime at least in part because the person is a different race, color, gender, religion, national origin, ethnicity, has a different sexual orientation or gender identity from the perpetrator, or because the targeted person has a disability.
- A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

Discrimination

- Discrimination occurs when an individual is treated differently, except where providing a reasonable accommodation for an individual with a disability, and/or unfairly in an educational or employment context, solely on the basis of the individual's race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, and/or disability.
- Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges, or courses of study in a public school is discrimination.
- A person may not be subject to discipline or more severe punishment for wrongdoing, nor denied the same rights of other students, because of his/her membership in a protected class.
- Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Harassment

- Harassment is oral, written, graphic, electronic, or physical conduct on school property or at a school-related activity relating to an individual's actual or perceived race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, or disability, that is sufficiently severe, pervasive, or persistent so as to interfere with a student's ability to participate in or benefit from the District's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment.
- For the purposes of this policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating, or offensive educational or work environment.
- A single incident, depending on its severity, may create a hostile environment.
- A victim may also be someone reasonably affected by conduct toward another individual.

Sexual/Gender Harassment

- Sexual/gender harassment is unlawful and prohibited conduct consisting of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct, communication of a sexual nature when:
 - a. Submission to, or rejection of such conduct or communication is made explicitly or implicitly a term or condition of employment, education, or academic achievement;
 - b. Submission to, or rejection of such behavior is used as a basis for employment or academic decisions; and/or
 - c. Such behavior unreasonably interferes with an individual's work or academic performance, or creates an intimidating, hostile, humiliating, and/or offensive work or educational environment.
- Sexual harassment can be based on gender, gender identify, or sexual orientation.

Hostile Environment

Hostile environment is a situation in which harassment or bullying causes the school environment to be permeated with intimidation, humiliation, ridicule, or insult that is sufficiently severe or pervasive to reasonably interfere or alter the conditions of the student's education or the employee's work.

Retaliation

Retaliation is any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for participating in an investigation under this policy, or for taking action consistent with this policy.

All unlawful and prohibited conduct may occur from male to female, female to male, male to male, female to female, student to student, student to employee, employee to student, employee to employee, or from a third party off school property or at a school-related activity.

For the purposes of this policy, whenever the term harassment is used, it is to denote either harassment or sexual/gender harassment.

Examples of behavior prohibited by this policy shall include, but not be limited to:

Verbal Conduct

Use of negative or offensive racial, ethnic, religious, or sexual slurs or epithets; name calling, making offensive noises, teasing, taunting, jokes, or other derogatory or dehumanizing remarks by an individual or group, when it is based on an individual's race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, and/or disability, or any other class or characteristic protected by law; repeated unwanted requests for dates, sexual rumors, and making gender-based references to a person's physical characteristics.

Written Conduct

Use of symbols, notes, calendars, graffiti, book covers, text messages, computer messages, including internet and email or other digital communication devices of threatening, sexual, harassing, or pornographic, and/or intimidating nature, or designs on clothing meant to offend another on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, age, and/or disability, or other identifying characteristic.

Nonverbal Conduct

Offensive, threatening, or suggestive gestures, exclusion, blogging, destroying property, following or stalking a person, cornering or blocking a person, leering, or pressuring for sexual activities.

Visual Conduct

Displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, drawings, or posters or taking and/or sending sexually suggestive or sexually provocative photographs (sexting) by way of cell phones, computers, or other digital communication devices.

Physical Contact

Unwelcome touching of a person or person's clothing in a sexual or aggressive manner; restraining a person's movements; or any other act of physical intimidation, as in gesturing, pushing, hitting, shoving, and/or kicking.

These behaviors are prohibited:

- a. On school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school

bus stop, on a school bus or other vehicle owned, leased, or used by the school district, or through the use of technology or an electronic device owned, leased, or used by the school district; and

- b. At a location, activity, function, or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased, or used by the school district, if the behavior creates a hostile environment at school for the victim, infringes on the rights of the victim or others at school, or materially and substantially disrupts the education process or the orderly operation of school.

If certain conduct is not listed in the foregoing list but does fall into any other class or characteristic protected by law or by school policy, said behavior will be considered inappropriate and prohibited. Inappropriate conduct not listed will be subject to investigation and disciplinary action under this policy.

Nothing contained in the policy shall require the District to staff any non-school related activities.

RESPONSIBILITIES

The Essex North Shore Agricultural and Technical School District is responsible for the dissemination of this policy. The Superintendent-Director will develop procedures to guarantee implementation of the policy. All students, teachers, administrators, and all other school personnel of the District are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy.

The District will:

- a. Develop a method of discussing this policy with all of its membership, in its entirety, with students in an age-appropriate manner and with all employees;
- b. Provide appropriate training to students and employees, and for the administrators who are assigned the responsibility to implement the procedures of this policy;
- c. See that this policy is reviewed by the Superintendent-Director's office at least annually for compliance with State and Federal laws; and
- d. Send an updated Title(s) VI & IX and Bullying Advisory to all parents and employees by October 31st of each school year.

The Principal is responsible for ensuring that the policy summary is conspicuously posted in each classroom, school office, and other appropriate student/employee work areas; and that it is printed in the student handbook. The Director of Human Resources is responsible for ensuring that the policy summary is printed in the employee handbooks and that it is posted on the District website. All postings shall include the names and contact information for the Title(s) VI & IX Coordinators.

Any employee including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, farm/grounds worker, bus driver, athletic coach, paraprofessional, or advisor to an extracurricular activity who becomes aware of an incident of discrimination, harassment, and/or retaliation must immediately report the incident to a school or district administrator. This requirement to report does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school/district policy and practice. Reports made by students, parents, or guardians, or other individuals who are not school or district staff members, may be made anonymously. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the District shall indemnify staff members from any actions or inaction in connection thereto. As soon as is practicable, school administrators will promptly notify the principal and/or at least one of the Title(s) VI & IX Coordinators of incidents of discrimination, harassment, or retaliation.

Student bystanders who witness discrimination, harassment, and/or retaliation are strongly encouraged to report the incident to the principal and/or one of the Title(s) VI & IX Coordinators, or any school staff member in the building.

The Title VI & IX Coordinators, specially trained people in the District, will provide information to employees and students about the District policy and procedures against discrimination and harassment. They will be available to discuss any concern a student, parent, or employee may have. They are responsible to investigate and remediate both student and employee complaints. The Coordinators will also receive and investigate reports of alleged prohibited conduct from central administration staff, including clerical, custodial, farm and grounds, cafeteria, and transportation employees.

The Title(s) VI & IX Coordinators will attend specialized training and workshops, as directed.

The response to and resolution of complaints will be guided by the following goals:

- a. Focus on education and changing behavior rather than disciplinary action exclusively;
- b. Engage students and staff in dialogue so that they understand the impact of behavior and attitudes;
- c. Maintain the confidentiality of victims, offenders, witnesses, and others who report discrimination or harassment, or participate in the investigation of complaints to the extent possible;
- d. Protect the complainant, witnesses, and others who report discrimination or harassment or participate in the investigation of complaints from retaliation;
- e. Insure prompt, thorough attention and remediation to all complaints protecting and restoring a sense of safety for the victim and complainant; and
- f. Promptly notify parents or guardians of the victim and perpetrator to the extent consistent with state and federal law.

Discipline for students with disabilities will be consistent with the federal Individuals with Disabilities in Education Act (IDEA) and state laws regarding special education and student discipline.

Legal References

- Title VI of the Civil Rights Act of 1964
- The Equal Education Opportunities Act of 1974
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990
- The No Child Left Behind Act of 2001
- M.G.L. c. 71A
- M.G.L. c. 76, s. 5
- M.G.L. c. 71 s. 37O
- Chapter 92 of the Acts of 2010

Approved: April 11, 2017