

## ADMINISTRATIVE REGULATION JBA-R

### 1:0 STUDENT HARASSMENT REGULATION

#### 2:0 POLICY STATEMENT

- 2:1 The Fairhaven Public Schools are committed to providing an educational environment that is free of harassment. Harassment is completely unacceptable and will not be tolerated in any form at any level of the school system. This policy applies to all students involved in all school-sponsored activities.
- 2:2 It is also a violation of this policy to condone harassment by another person. For purposes of this policy, to “condone” harassment means to participate in such harassment by inciting, encouraging, fostering or otherwise giving support to that harassment, whether by words or actions. Also prohibited is any retaliation against any other person because he/she complains of harassment or assists in an investigation of harassment and any intimidation, coercion or other attempted interference with an investigation of a harassment complaint.
- 2:3 The Fairhaven Public Schools will take seriously all complaints of harassment, the condoning of harassment or retaliation and will have each complaint thoroughly and promptly investigated.

#### 3:0 PROHIBITIONS

- 3:1 In order to give rise to a complaint, harassment must be sufficiently severe, persistent, or pervasive that adversely affects a student’s education by creating an intimidating, hostile or humiliating environment. For a one-time incident to rise to the level of harassment, it must be severe.
- 3:2 Prohibited conduct includes, but is not limited to, the following conduct when related to a person’s race, sex, gender, identity, creed, color, national origin, sexual orientation, religion, marital status, or disability and when such conduct is unwelcome by the recipient:
- 3:2.1 name calling, teasing, jokes, rumors, or other derogatory or dehumanizing remarks;
  - 3:2.2 pulling at clothing and other possessions;
  - 3:2.3 graffiti;
  - 3:2.4 notes or cartoons;
  - 3:2.5 unwelcome touching of a person or person’s clothing;
  - 3:2.6 offensive or graphic posters, pictures, book covers, or designs on clothing;
  - 3:2.7 any words or actions which provoke feeling of discomfort, embarrassment, or hurt.
- 3:3 All students are prohibited from engaging in any sexual harassment of any other individual(s). In Massachusetts, the legal definition for sexual harassment means:
- 3:3.1 Any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect or unreasonably interfering with an individual’s education by creating an intimidating, hostile, humiliating or sexually offensive educational Environment

3:4 While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if welcome, may constitute sexual harassment depending upon the totality of the circumstances including three severity of the conduct and its pervasiveness:

3:4.1 unwelcome sexual advances – whether they involve physical touching or not;

3:4.2 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;

3:4.3 displaying sexually suggestive objects, pictures, cartoons;

3:4.4 unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

3:4.5 inquiries into one's sexual experiences; and

3:4.6 discussion of one's sexual activities.

#### **4:0 INITIATION OF A COMPLAINT**

4:1 If a student believes that he/she has been (1) subjected to harassment; (2) witnessed sexual harassment; (3) subjected to or witnessed the condonation of harassment; and (4) subjected to or witnessed retaliation for a complaint of harassment, the student, a parent or guardian on behalf of the student, or school personnel shall report the incident promptly to a teacher, counselor, or administrator. The teacher, counselor, or administrator shall thereafter report the complaint directly to the Principal or Assistant Principal.

#### **5:0 PROCEDURE FOR COMPLAINT AND INVESTIGATION**

5:1 It is the policy of the Fairhaven Public Schools to have all complaints of harassment, condonation of harassment, or retaliation promptly and fully investigated and to take any steps necessary to remedy the situation.

5:2 Normally, the investigation of a complaint of harassment, condonation of harassment, or retaliation will be conducted by the Principal or Assistant Principal and will include separate private interviews with the complainant, each person accused of harassment, condonation or retaliation, and each of the witnesses, if any. Both parties may have an advocate of their choice present during their own private interview. The interview will ordinarily be documented by the administrator conducting the investigation, but those interviewed may also be asked to provide a written statement. All students are expected to cooperate fully with any investigation of harassment, condonation of harassment or retaliation.

5:3 Information provided during an investigation of harassment, condonation of harassment or retaliation would be treated as confidential. This means that such information will be shared with others on a need-to-know basis only. The parent or guardian of a student complainant and those accused may be

notified. In appropriate circumstances, as determined by the school, the accused may be informed of the identity of the complainant or witnesses, but, in those circumstances, the accused will be cautioned against reprisals or recriminations or any attempted intimidation or coercion of the complainant or witnesses.

- 5:4 At the conclusion of the investigation, the administrator will prepare a report, and recommend an appropriate disciplinary action, which report and recommendation will be shared with both the complainant and the person or persons accused of harassment, condonation of harassment, or retaliation. The recommended disciplinary action will be implemented immediately, unless the recommendation, in the event of a student, is for suspension or expulsion. In the event of a recommendation for suspension or expulsion, the student shall have the right to appeal to the Superintendent. The student shall notify the Superintendent in writing of a request for an appeal no later than five calendar days following the recommendation for suspension or expulsion. The Superintendent shall hold a hearing with the student and the student's parent or guardian, within three calendar days of the request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his/her behalf and shall have the right to counsel. The Superintendent shall render a decision on the appeal within five calendar days of the hearing, and may sustain, alter, or revoke the recommended disciplinary action. Such decision shall be the final decision of the town with regard to the suspension or expulsion.

**6:0 DISCIPLINARY ACTION**

- 6:1 Any student found to have engaged in harassment, condonation of harassment, or retaliation is subject to disciplinary sanctions from a warning up to and including suspension or permanent exclusion from school, and will be reported to law enforcement officials.

**Adopted:** March 6, 1985

**Revised:** January 27, 1994

October 8, 1997

May 17, 2000

February 28, 2001

September 26, 2012