

Medway Public Schools
Medway, MA
School Committee Policy
ANTI-HARASSMENT AND
ANTI-DISCRIMINATION

Anti-Discrimination Policy

Policy #89

The Medway Public School District (“Medway” or the “District”) is committed to promoting and maintaining equal opportunity and an educational environment that is free of all forms of discrimination, including harassment and retaliation. The District will not exclude from participation, deny the benefits of, or otherwise discriminate against individuals on the basis of race, color, religion, national origin, marital status, age, sex, sexual orientation, gender identity, or disability.

The District will investigate all complaints of discrimination, either formal or informal, oral or written, and where discrimination is found take prompt and effective steps reasonably calculated to end it, including disciplinary or other appropriate action against any member of the school community who is found to have violated this policy, and, as much as practically possible, eradicate any effects of the discrimination.

The District’s Anti-Discrimination Policy extends to students, staff, the general public and individuals with whom it does business.

Anti-Harassment Policy

Medway Public Schools (“District”) is committed to promoting and maintaining an educational environment and workplace that is free of harassment based on race, color, religion, national origin, ancestry, marital status, age, sex, 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 District expects all students, staff members, and individuals with whom it does business to treat each other with respect and to conduct themselves in an appropriate and professional manner with concern for their fellow employees and students. Teachers and other staff members are expected to model and to demonstrate by example that all members of the community are entitled to respect.

The District shall comply with all federal and state laws and regulations prohibiting harassment. Harassment on the basis of race, color, religion, national origin, ancestry, marital status, age, sex, sexual orientation, disability, active military or veteran status or genetic information in any form is unlawful and will not be tolerated. To prevent harassment in the first instance, staff members should model why harassment is wrong and teach that tolerance and respect are essential to a free society. In response to an act of harassment, staff members should intervene immediately to stop the harassment. Staff members should also deter future harassment with continuing lessons of tolerance and respect.

In addition, the District will promptly investigate all complaints, whether known or should have known, either formal or informal, verbal or written, of harassment on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; and, if it determines that unlawful harassment occurred, appropriately discipline any student, or staff member who is found to have violated this policy, and/or take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Harassment is any conduct, including verbal conduct, (1) that creates (or will create) a hostile environment by substantially interfering with a student's educational benefits or employee's work environment, opportunities, or performance, or with a student or employee's physical or psychological well-being; or (2) that is threatening or seriously intimidating. Harassment may include, but is not limited to, graffiti containing offensive language which is derogatory to others because of their race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; threatening or intimidating conduct directed at another because of the other's race, color, religion, national origin, ancestry, marital status, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; jokes, name calling, or rumors based upon an individual's race, color, religion, national origin, ancestry, marital status, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; slurs, negative stereotypes, and hostile acts which are based upon another's race, color, religion, national origin, ancestry, marital status, age, sex, sexual orientation, gender identity,

disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; written or graphic material containing comments or stereotypes which is posted or circulated, including by use of cellular phones or the internet, and which is aimed at degrading individuals or members of a protected class or classes; a physical act of aggression or assault upon another because of, or in a manner reasonably related to, another's race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; or other kinds of aggressive conduct such as theft or damage to property which is motivated by race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law.

Sexual harassment is a form of harassment that also violates school policy. Sexual harassment of students or employees by anyone, including a fellow student, teacher, coach, supervisor, coworker, vendor, or other third party is unlawful and will not be tolerated. Sexual harassment is an unwelcome sexual advance, or sexual conduct, including verbal or physical conduct. In determining whether harassment is actionable, schools should look at the constellation of surrounding circumstances, expectations, and relationships. Examples of conduct which may constitute sexual harassment by students, teacher and/or employees, include, but are not limited to, sexual advances; touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; graffiti of a sexual nature; sexual gestures; sexual or dirty jokes; touching oneself sexually or talking about one's sexual activity in front of others; spreading rumors about or rating other students as to sexual activity or performance; unwelcome, sexually motivated or inappropriate patting, pinching or physical contact; other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational or employment status or implied or overt promises of preferential treatment.

Prohibition against Retaliation

Any retaliation against an individual who has complained about harassment, discrimination or retaliation against individuals for cooperating with an investigation of a complaint is similarly unlawful and will not be tolerated. Claims of retaliation will be investigated pursuant to this Policy and procedures. Retaliation includes, but is not limited to, any form of intimidation,

coercion, interference, punishment, discrimination, reprisal or harassment for reporting or filing a complaint of discrimination or harassment, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or for opposing any act or practice reasonably believed to be prohibited by this Policy. Retaliation may result in disciplinary action, consistent with District policy. Corrective action will also be taken as appropriate. Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts law (Chapter 119, sec. 51A). The District shall comply with Massachusetts laws in reporting suspected cases of child abuse.

Civil Rights Coordinator and Title IX Compliance Officer

The School District designates Kathleen Bernklow, Director of Student Services, as Civil Rights Coordinator and Title IX Compliance Officer with responsibility to identify, prevent, and remedy discrimination or harassment against staff members, students, or individuals with whom it does business as well as to oversee administration of these procedures and to monitor compliance. The Director of Student Services can be reached at 45 Holliston Street, Medway, MA 02053, or by phone at (508) 533-3229. If a complaint involves the Director of Student Services, the complaint shall be made or filed directly with the Superintendent, who can be reached at 45 Holliston Street, Medway, MA 02053, or by phone at (508) 533-3222. If a complaint involves the Superintendent, the report will be filed directly with the School Committee, who can be reached at 45 Holliston Street, Medway, MA 02053, or by phone at (508) 533-3222.

Formal Complaints of Discrimination or Harassment

The Director shall receive all reports or complaints of discrimination or harassment on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, active military or veteran status, genetic information or any other protected category as defined by state or federal law; ensure the adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; be responsible for assessing the training needs of the District's staff and students in connection with the dissemination, comprehension, and compliance with this Policy; arrange for necessary training required for compliance with this Policy; and ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful discrimination or harassment, recommend appropriate discipline and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination or harassment, including interim protection of the victim during the course of the investigation.

To achieve its goal of providing an environment free from discrimination or harassment, the conduct that is described in this Policy will not be tolerated, and the Medway Public Schools has provided a procedure by which inappropriate conduct will be dealt with, if encountered by students, staff members, the general public, and individuals with whom it does business. The Superintendent or his/her designee, will ensure that all members of the school community are informed of this policy through annual trainings, new employee orientation programs, and student and employee handbooks, which are disseminated annually. This policy shall also be conspicuously posted throughout each school building in areas accessible to pupils and staff members. In all actions taken, the District will strive to provide due process rights to those persons involved, while minimizing the burden to the complainant.

Inquiries concerning the applicability of the aforementioned federal laws and regulations to the District also may be referred to the U.S. Department of Education Office for Civil Rights or Equal Employment Opportunity Commission, while inquiries relative to state law may be referred to the Massachusetts Commission Against Discrimination or the Massachusetts Department of Elementary and Secondary Education, which may be reached at, respectively:

Office for Civil Rights
Boston Office
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: (617) 289-0111

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: (800) 669-4000

Massachusetts Commission Against Discrimination
Sixth Floor, Room 601
1 Ashburton Place
Boston, MA 02108
Telephone: (617) 994-6000

Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
Telephone: (781) 338-3000

References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.
Title VII of the Civil Rights Act of 1964, § 703; 42 U.S.C §§ 2000e et seq.
Title IX of the Education Amendments of 1972; 20 U.S.C §§ 1681 et seq.
Section 504 of the Rehabilitation Act of 1973; 29 U.S.C § 794
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 et seq.
Title II of the Americans with Disabilities Act of 1990; 42 U.S.C §§ 12131 et seq.
MGL C 151B §3A-7: Unlawful discrimination
MGL C 76 §5: Place of Attendance; violations; discrimination
Medway Public Schools Uniform Complaint Procedures for Harassment or Discrimination
Claims

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