

STUDENTS AND INSTRUCTION **5000**

STUDENT CONDUCT 5400

HARASSMENT AND VIOLENCE 5410

Salem Public Schools is committed to maintaining an educational and work environment free from all forms of harassment and violence. Harassment based on race, religion, national origin, sex, disability or sexual orientation is unlawful and prohibited in the Salem Public Schools. It shall be a violation of this policy for any individual to inflict, threaten to inflict, or attempt to inflict violence or otherwise interfere with a student's education or an employee's work through conduct or any other form of communication.

This policy applies to all school employees, students, volunteers, contracted vendors, and other members of the school community. Each member of the school community has a responsibility to ensure that harassment and violence does not occur in the schools or at school sponsored activities.

Harassment is unwanted or unwelcome physical or verbal behavior relating to an individual's race, religion, national origin, sex, disability, or sexual orientation, which negatively impacts the educational or work environment. This includes, but is not limited to, unsolicited remarks, gestures, physical contact, bullying, threats and the display or circulation of written, on-line or illustrated derogatory and/or threatening material.

Sexual harassment refers to sexually motivated behavior that is unwelcome and personally offensive, and interferes with a student's education or an employee's work environment. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature.

Examples of behavior that may be considered sexual harassment include without limitation:

- Whistling, catcalls or offensive noises;
- Stares or obscene gestures;
- Suggestive remarks, jokes about a person's appearance, or derogatory sexual terms;
- Displaying offensive photographs, illustrations, or sex-related objects;
- Blocking a person's movements;
- Touching, brushing, pinching or patting;
- Pulling or lifting of clothing;
- Pressure for dates, sex, or information about personal sexual experiences.

comply with Massachusetts law in reporting suspected cases of child abuse to the Department of Social Services.

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In certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws Chapter 119, Section 51A. The Salem Public Schools will
Certain circumstances may violate state or federal Civil Rights, Hate Crimes, or Harassment statutes. The Salem Public Schools will comply with its Memorandum of Understanding and report appropriate incidents to the Salem Police Department.

Any individuals who believe that they have been the subject of any form of harassment or violence should report the conduct to a teacher or administrator. Staff will forward the complaint to the building administrator who will initiate an investigation.

Complaints may also be filed with the Civil Rights Compliance Officer/Title IX Coordinator, Salem Public Schools, 29 Highland Avenue, Salem, MA.

Anyone filing a complaint may pursue her/his rights under the law and file a complaint with the appropriate state and federal agencies at anytime:

Commonwealth of Massachusetts: Massachusetts Commission Against Discrimination

1 Ashburton Place, Boston
Information and Complaints: 617-994-6000
Complaints must be filed within 6 months.

Federal Government: Education Department, Office for Civil Rights

33 Arch Street, Boston
Information and Complaints: 617-289-0111
Complaints must be filed within 180 days.

Federal Government: Equal Employment Opportunity Commission

J.W. McCormack Post Office & Courthouse, Boston
Information and Complaints: 617-565-3200
Complaints must be filed within 300 days.

Staff who witness or have knowledge of actual or possible harassment or violence are required to report the incident to a building administrator, even if the victim does not express disapproval or wish to file a complaint.

All verbal and written complaints will be investigated promptly and in as impartial and confidential a manner as possible, to ensure prompt and appropriate action.

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Any individual, who after an appropriate investigation is found to have engaged in any form of harassment, will be subject to disciplinary action up to and including expulsion.

No individual will be subject to any form of coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or cooperating in an investigation. Retaliation is unlawful and the Salem Public Schools will take the appropriate disciplinary action against any individuals involved. All staff members are required to participate in a school department investigation.

Violations of this policy will be cause for disciplinary action up to and including expulsion from school. In the event that a student is a victim of harassment by an adult, the adult may be subject to disciplinary action including termination of employment, or revocation of school department or city contracts.

Annually, each administrator will provide a written copy of this policy to all staff, and provide new employees with a copy at the time of their employment.

See Complaint Form

Legal Reference: Title VII of the Civil Rights Act
Title IX of the Civil Rights Act
42 U.S.C. Section 1983
United States Constitution Amendment XIV
MGL 76: 5
MGL 119: 51A
MGL 151C

Approved:
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Reviewed:
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