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## School Committee Policy:

#16

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### Harassment

The Maynard Public Schools are committed to maintaining a school environment free of harassment based on race, color, sex, religion, national origin or sexual orientation, age, or disability. Harassment by administrators, certified and support personnel, students, volunteers, vendors and other individuals at school or at school sponsored or related events is unlawful and is strictly prohibited. The Maynard Public Schools requires all employees, students and visitors to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

Harassment includes communications such as jokes, comments, innuendoes, notes, emails, display of pictures or symbols, gestures, or other conduct which offends or shows disrespect to others based upon race, color, religion, sex, national origin, age, sexual orientation or disability. Harassment of a sexual nature is addressed in Policy #17, Sexual Harassment.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person. Therefore, individuals should consider how their words and actions might reasonably be viewed by other individuals. It is also important for individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile or offensive.

Maynard Public Schools is also committed to preventing all forms of bullying. While bullying can occur with a single incident, it generally involves a pattern of conduct over time directed at a person. Bullying may include any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate or cause harm to the other person, where the conduct is not related to the person's membership in a protected class (e.g. race, sex). Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through emails, instant messaging or websites; pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime.

In addition, retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of the school or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Maynard Public Schools.

Persons who engage in harassment, bullying, or retaliation may be subject to disciplinary action,

including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

This policy will be enforced by the Superintendent or appointed designee.

The Maynard Public Schools urges all individuals in the school community to bring any concerns or complaints of harassment or bullying to the attention of appropriate school personnel so that they can resolve the issue. The state agency responsible for enforcing laws prohibiting harassment is the Massachusetts Commission Against Discrimination (MCAD), which is located at One Ashburton Place in Boston, MA. The agency responsible for enforcing federal laws prohibiting harassment in the employment context is the Equal Employment Opportunity Commission, which is located at One Congress Street, Boston, MA.

### **Investigation and Closure of a Complaint**

Any individual, who believes he/she has been harassed, bullied, or who has witnessed or learned about the harassment of another person in the school environment, should inform the appropriate building personnel as soon as possible.

An **employee** who believes that he or she is the victim of harassment or bullying should contact:

Director of Student Services  
Maynard Public Schools  
12 Bancroft Street  
Maynard, MA 01754  
(978) 897-2138

If an employee does not wish to discuss the issue with the Director of Student Services or feels that he or she is not addressing the problem in an effective manner, the employee should contact the Superintendent of Schools, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

A student who believes that he or she is the victim of harassment or bullying should report the matter to a teacher, counselor, or administrator who in turn will notify the complaint manager in the school. As an alternative, a student may report directly to the Director of Student Services, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

If a student does not wish to discuss the issue with other school staff or feels that the staff is not addressing the problem in an effective manner, the student should contact the Superintendent of Schools, 12 Bancroft Street, Maynard, MA, (978) 897-2138.

All employees of the Maynard Public Schools must respond to the suspected harassment or bullying and to complaints by students of harassment or bullying by notifying the building principal or the Director of Student Services. Employees are expected to take every report of harassment or bullying seriously.

The Maynard Public Schools will promptly investigate every complaint of harassment or bullying, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. If it determines that either has occurred, it will take appropriate action to end the harassment or bullying, and to ensure that it is not repeated. Confidentiality will be maintained to the extent consistent with the schools obligations under law and under applicable collective bargaining agreements.

In certain cases, the harassment or bullying of a student may constitute child abuse under Massachusetts' Law ch. 119, sec. 51A. The Maynard Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the building principal or the Department of Social Services, and to the Superintendent of Schools.

When an investigation has been completed, school personnel will inform the complainant of the results and file a report with the Coordinator for Title IX/Section 504 of the Rehabilitation Act/Chapter 622.

### **Penalties**

If an investigation of a complaint of harassment or bullying reveals that an employee or student has engaged in actions or conduct constituting harassment or bullying, disciplinary action will be taken up to and including discharge (expulsion of a student). The disciplinary action taken will depend upon the seriousness or the violation. Disciplinary action can include a verbal reprimand, written reprimand, suspension, or termination/expulsion.

Any employee or student who prevents or attempts to prevent an individual from making a complaint of harassment, or who fails to cooperate with or interferes in any way with the investigation of such a complaint, may be subject to disciplinary action.

Any non-employee found to have committed an act of harassment may be removed from school premises, or subject to other appropriate action, including the filing of criminal charges.

### **Notice of Non-Discrimination**

The Maynard Public Schools does not discriminate on the basis of race, color, religion, national origin, age, gender, sexual orientation, or disability in admission to, access to, employment in, or treatment in its programs and activities.

The Coordinator for Title IX (of the Education Amendments of 1972, Section 504 of the Rehabilitation act of 1973, and Chapter 622 of the Acts of 1971) is the Director of Student Services and can be reached at (978) 897-2138, 12 Bancroft Street, Maynard, MA 01754.

Inquiries regarding the application of the Maynard Public Schools non-discrimination policy may be referred to the director of Student Services, or the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202 (or the Regional Director, U.S. Department of Education, Office for Civil Rights, J.W. McCormack Post Office and Courthouse, Room 222, Boston, MA 02109).

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Date Approved: 2/1/07

Earlier Version: 6/96, 6/98, 11/98,5/00, 3/01

Cross Reference: #14, 15, 16, 637 (Child Abuse Reporting Policy)

Legal References: MGL 76:5 (Chapter 622 of the Acts of 1971); Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; MGL 119:51A; MGL 151B:4; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act (ADA) of 1990; MGL 71B:6 (Chapter 766); and Title VI.

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