

**DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT
DISCRIMINATION / HARASSMENT POLICY**

POLICY

Personnel

Harassment

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I. Introduction

It is the goal of the Dudley-Charlton Regional School District to promote an environment that is free from discrimination and which affirmatively provides access to employment and equal educational opportunity. Discrimination or harassment, that is based on race, color, sex, religion, national origin, ancestry, disability, age or sexual orientation, is unlawful and will not be tolerated. Further, any retaliation against an individual for initiating, or cooperating with an investigation of, a discrimination complaint is similarly unlawful and will not be tolerated. This policy is designed to assist in achieving the aforementioned goal by providing procedures by which an employee, student or other member of the community should report allegations of illegal, inappropriate conduct, and pursuant to which any such allegation will be investigated, and appropriate, corrective or disciplinary action taken if warranted based on the outcome of such investigation

The Dudley-Charlton Regional School District takes allegations of illegal discrimination and harassment seriously and intends to respond promptly to such complaints. Where it is determined, after a factual investigation, that such inappropriate conduct has occurred, the district will take reasonable, timely, corrective action, including disciplinary action where appropriate, designed to eliminate the conduct.

While this policy sets forth the goal of promoting an educational environment and workplace free of harassment, the policy is neither designed nor intended, and shall not be construed so as, either: (a) to limit the District's authority to discipline or take remedial action for conduct which the District deems unacceptable, regardless of whether that conduct satisfies the definition of harassment; or (b) to create additional, legal remedies in any forum other than the District, as to which see, for example, Section VII below for pre-existing forums, laws and regulations which already provide an extensive system for enforcement of legal rights and remedies for violations of same.

II. Definition of Harassment

Harassment consists of conduct, whether verbal, physical, or written/drawn, that is based upon a person's protected status based on race, color, sex, religion, national origin, ancestry, age, disability or sexual orientation, and that is illegal under applicable, federal or Commonwealth law or regulations.

While it is not possible to list all circumstances that may constitute harassment, the following are some examples of conduct which may do so, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Bullying
- Making dehumanizing remarks

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- Extortionate behavior
- Displaying offensive cartoons or pictures
- Writing messages of an offensive nature.

- Harassment occurs when such conduct, based on objective criteria and a reasonable person's perception, has the purpose or effect of substantially and unreasonably interfering with an individual's work or educational performance, or of creating an unreasonably intimidating, hostile, or offensive working or educational environment.

- Harassment occurs when submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment or success as a student.

All individuals should take special note that, as stated above, retaliation against an individual who has complained about harassment, or retaliation against an individual for cooperating with an investigation of a harassment complaint, is unlawful and will not be tolerated.

III. Complaints of Harassment

If any Dudley-Charlton student or employee believes that he or she has been subjected to harassment, as described above, they have the right to file a complaint with the school district.

If you would like to file a complaint, you may do so by contacting any building principal, the superintendent of schools, or other central office administrator. These personnel are also available to discuss any concerns you may have and to provide information to you about the district policy on harassment and the complaint process.

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IV. Harassment Investigation

When a complaint has been reported, the Dudley-Charlton Regional School District will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

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The investigation will include a private interview with the person filing the complaint and the witness(es), if any. The district will also interview the person alleged to have committed harassment. When the district has completed the investigation the administrator, to the extent appropriate, will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate, illegal conduct has occurred, the administrator will take such timely action as the administrator believes will reasonably serve to eliminate the offending conduct, including, where appropriate, disciplinary action.

V. Formal Procedures for Resolution

A. Both students and employees may direct the complaint to the administrator or supervisor who has immediate jurisdiction over the school involved. Students and employees are expected to direct the complaint no later than 20 calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. The student or employee shall submit the complaint in writing and will state the name of the individual and the location of the school/department where the alleged harassment practice occurred, the basis for the complaint, including the date(s) on which the violations are alleged to have taken place and the details of same with sufficient specificity for the administrator to investigate same, and the corrective action the student or employee is seeking. If the complaint is filed by or on behalf of a student and involves an administrator or supervisor, it shall be addressed to the Director of Student Resources.

B. The appropriate administrator, supervisor or director will conduct the necessary investigation in timely fashion after receiving the formal, written, complaint. In the course of the investigation, the appropriate administrator, supervisor, or director shall contact those individuals who have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant and the person against whom the complaint was filed and, if apt, the principal or appropriate authority involved.

Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. For example, sometimes the students or employees that are involved in the complaint are not immediately available. The appropriate administrator or director, however, will make sure that the complaint is handled as quickly as is reasonably feasible and will strive to complete the investigation within 30 school or working days. When more than 30 school or working days are required for the investigation, the administrator or director shall inform the student or employee who filed the complaint that the investigation is ongoing.

C. After completing the initial investigation, the administrator or director shall request a meeting with the person against whom the complaint was filed to discuss the tentative findings and, at the same time, to give the person against whom the complaint was filed an opportunity to respond to such findings, and to seek to resolve the complaint. When feasible and appropriate, the administrator or director will make every attempt to resolve the issue within the time parameters of this initial meeting; however, more than one meeting may be necessary. The administrator or director will strive to complete both the investigation and the resolution of the complaint within 30 school or working days. When more than 30 school or working days are required for the investigation and resolution process, the administrator or director shall inform the student or employee who filed the

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complaint and the individual against whom the complaint was filed that additional time is needed for the resolution process.

- D. If the administrator or director finds that there is reasonable cause for believing that an illegal, harassing practice has occurred, he/she will either take appropriate action as discussed above or will refer the matter to the Superintendent of Schools for the Dudley-Charlton Regional School District for appropriate action, up to and including, if apt, expulsion for students or termination for employees.

VI. Disciplinary Action

Disciplinary action will be consistent with the requirements of applicable collective bargaining agreements, Massachusetts and federal laws, and school district policies. Any staff member or student who is dissatisfied with the results or progress of the school’s investigation may discuss his/her dissatisfaction directly with the building principal, or if the complaint is against the principal, with the Superintendent of Schools. The Superintendent shall have the right to consider or review any complaint or the prosecution or disposition of same in the Superintendent’s discretion, but shall not be required to do so unless the complaint has been made against a principal, an employee of the central school district administrative office or another employee for whom the Superintendent has primary responsibility under M.G.L. c. 71.

VII. State and Federal Remedies

In addition to the above, if a student or employee believes he or she has been subjected to harassment with regard to protected status, he or she may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit a student or employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC-- 180 days; MCAD -- six months.)

<p>The United States Equal Employment Opportunity Commission (EEOC) JFK Federal Building Room 475 Government Center Boston, MA 02203</p>	<p>Massachusetts Commission Against Discrimination (MCAD) One Ashburton Place Room 601E Boston, MA 02108 617-727-3990</p>
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Second Reading

And Adoption: January 24, 2007

First Reading: January 10, 2007