

Winthrop Public School District Policy Prohibiting Harassment

I. BACKGROUND OF POLICY

The Winthrop Public Schools is committed to maintaining a school environment free of any harassment based on, but not limited to, race, creed, color, national origin, sex, disability, age, genetics, ancestry, sexual orientation, gender identity/expression, criminal record, or active military status. Such harassment in the workplace or school environment is unlawful and is absolutely prohibited. This includes harassment by administrators, certified and support personnel, students, vendors, and other individuals in school or at school-related events. Further, any retaliation against an individual who has complained about harassment or against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

II. PURPOSE AND SCOPE

Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations. Nothing in this policy shall limit the rights and responsibilities of Winthrop Public Schools to discipline for conduct deemed unacceptable, regardless of whether that conduct meets the definition of harassment.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student- to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;

- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

While all forms of harassment are prohibited, Sexual Harassment requires particular attention. The Title IX Coordinator shall be responsible for enforcing Winthrop Public Schools' prohibition against sexual harassment and Title IX of the Education Amendments Act of 1972 ("Title IX"). Pursuant to Title IX, Winthrop Public Schools has a specific Grievance Process for responding to allegations of Sexual Harassment.

Sexual Harassment not only includes the types of conduct listed above when they are based upon sex, but can also include unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Specifically, under regulations promulgated under Title IX, Sexual Harassment includes three types of misconduct:

1. Any instance of "quid pro quo" conduct (conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct.) by an employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and
3. Any instance of sexual assault, dating violence, domestic violence, or stalking (as defined by Federal laws).

While it is not possible to list all circumstances that may constitute sexual harassment, the following are examples of such conduct:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- 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;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Reports may be made at any time, in person, by mail, by telephone, by email or any other means that results in the Compliance Officer receiving a verbal or written report.

III. REPORTING

All individuals who believe that they may have been harassed or who may have witnessed or learned about the harassment of another should inform the principal or the appropriate Complaint manager. All employees of Winthrop Public Schools, including, but not limited to principals, teachers, school counselors coaches, paraprofessionals, school bus drivers, administrative assistants, custodians, food service staff who observe harassment or who receive a report of harassment relating to a student or another staff member are required to immediately report such conduct. All employees must recognize that under the Title IX regulations, the District is deemed to have actual knowledge of an alleged incident of sexual harassment (and must thus address it) when any employee has knowledge of such conduct. Thus, all employees who have knowledge of sexual harassment must report it and do not have the option of ignoring it.

Title IX Coordinator

The Title IX Coordinator is responsible for responding to all allegations of sexual harassment. All allegations of sexual harassment should be directed to the Title IX Coordinator, whose contact is below:

Jennifer O'Connell, Director of Pupil Personnel Services, Winthrop Public Schools, 60 Payson Street, Winthrop, MA, (617) 329-3605, Email: joconnell@winthrop.k12.ma.us

Employee Complaints:

An employee who believes that he/she is the victim of sexual and/or discriminatory harassment should contact their direct supervisor or building Principal.

Student Complaints:

A student wishing to report an incident of harassment is encouraged to report that incident to a teacher, administrator, or complaint manager.

List of Complaint Managers for Each School

William P. Gorman Fort Banks School
Ilene Pearson, Principal, (617) 846-5509, Email: IPearson@winthrop.k12.ma.us

Arthur T. Cummings School

Norah Grimes, Principal, (617) 846-5543, Email: NGrimes@winthrop.k12.ma.us

Winthrop Middle School

Brian Curley, Principal (617) 846-5507, Email: BCurley@winthrop.k12.ma.us

Winthrop High School

Matt Crombie, Principal, (617) 846-5543, Email: MCrombie@winthrop.k12.ma.us

IV. INVESTIGATION AND COMPLAINT RESOLUTION

The Winthrop Public Schools will promptly review every complaint, take necessary action to eliminate the conduct and work to ensure the safety of the complainant and any/all witnesses. Winthrop Public Schools will apply the relevant procedures for responding to the harassment depending on the circumstances and subject matter of the complaint. Typical steps in an investigation include separate interviews with those involved, putting statements from each party in writing, identifying and questioning witnesses, and other appropriate actions. Following a finding of harassment, the District will take reasonable steps to address the effects of the conduct including, but not limited to, supporting victims' access to the District's programs, services and activities.

V. CONTACT AND REFERRAL INFORMATION

State & Federal agencies that enforce laws prohibiting harassment or receive complaints thereunder include:

The Mass. Commission Against Discrimination,
1 Ashburton Place, Room 601
Boston, MA 02108
Phone: 617-994-6000

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

The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203

VI. LEGAL REFERENCES

Mass. Gen. Laws. Ch. 151B
Mass. Gen. Laws Ch. 76, s. 5/Chapter 622
Title VI of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Age Discrimination in Employment Act of 1967
Americans with Disabilities Act of 1990
Section 504 of Rehabilitation Act of 1973