

Holbrook Public Schools

**HARASSMENT:**  
**Racial and Color, Religious (Creed), National Origin, Marital Status,  
Sexual Orientation, Disability, Sexual**

It is the policy of the Holbrook School Committee, as an agent of the Town of Holbrook, to promote a learning environment and workplace that is professional and which treats all of those who learn and work here with dignity and respect. All forms of harassment, as defined below, are unlawful and will not be tolerated in Holbrook Public Schools. Because the Holbrook School Committee takes allegations of harassment seriously, all complaints of harassment will be responded to promptly and, if found to have occurred, disciplinary action as described below may be taken.

Harassment in school or the workplace occurs when a student's or adult's behavior or inappropriate language is so severe and pervasive as to create a hostile, offensive or intimidating school or work environment by which a student's participation in school activities, or staff member's terms and conditions of employment, are adversely affected or are reasonably feared to be adversely affected. Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates or belittles any individual because of race, color, religion, national origin, marital status, sex, sexual orientation or disability. Such conduct includes, but is not limited to, unsolicited derogatory remarks, or requests for sex, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or display or circulation by any means of sexually suggestive written materials, forms of correspondence or pictures.

**Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment.**

**Definitions**

**Racial and Color Harassment.** Racial or color harassment includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

**Religious (Creed) Harassment.** Harassment on the basis of religion or creed is unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed, such as derogatory comments regarding surnames, religious tradition or religious clothing, religious slurs, or graffiti.

**National Origin Harassment.** Harassment on the basis of national origin is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

**Marital Status Harassment.** Harassment on the basis of marital status is unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

**Sexual Orientation Harassment.** Harassment on the basis of sexual orientation is unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation, such as negative name-calling and imitating mannerisms.

**Disability Harassment.** Includes harassment based on a person's disabling mental or physical condition and includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or interfering with necessary equipment.

**Sexual Harassment.** Consists of unwelcome or unsolicited sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature, when such conduct unreasonably interferes with school or work performance or creates an intimidating, hostile, offensive, or uncomfortable educational or work environment for either student or staff. It is sexual harassment if submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, or submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual. Such conduct, even if it occurs off school grounds, may warrant discipline, depending on the circumstances.

There are two major categories of sexual harassment recognized by the courts:

Quid pro quo: Quid pro quo harassment occurs when an employee with authority or control over students or the terms and conditions of another employee's work offers him/her a work or educational benefit or educational advantage in exchange for sexual favors or gratification. Conversely, if an employee is denied a work benefit or advantage due to his/her refusal to respond to or rejection of, requests for sexual favors or gratification, he or she is subjected to quid pro quo harassment. Thus, either submission to, or rejection of, unwelcome sexual advances may result in quid pro quo harassment if the terms or conditions of one's education employment are impacted. Examples of such impact may include but are not limited to: grade manipulation, academic punishment or restriction of access to school programs or opportunities, termination; demotion; denial of promotion; transfer; alteration of duties, hours, or compensation; or unjustified performance reviews. If a supervisor with authority or control over the terms and conditions of employment clearly indicates that an employee must submit to unwanted sexual advances or provide unwanted sexual favors to keep the job, get promotions, raises, assignment, etc.

Hostile environment: Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's participation in academic or school sponsored activities, work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Except for extreme cases, such as grabbing in a sexual way, a single incident does not constitute sexual harassment. Usually hostile environment cases involve repeated, pervasive, and harmful incidents which are harmful to the victim's emotional well-being.

Additionally, actionable harassment by non-employees may arise if an employer tolerates sexual harassment by non-employees, when prompt, effective and reasonable remedial action by the employer could reduce or eliminate the incidents.

### **Retaliation**

It is unlawful to retaliate against any person who reports alleged harassment or against any person who files or makes a complaint of harassment, testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of this policy. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

### **Liability**

Individuals may be liable in their personal capacity and employers may be liable for employees' acts of sexual harassment under relevant provisions of M.G.L. C. 151B and may also be liable as "aiders or abettors" of harassment.

### **Consequences/Disciplinary Action**

Any school employee or student that is found to have violated this policy may be subject to disciplinary action including, but not limited to, warning, remedial training, informal or formal reprimands, reduction in pay, reduction in duties, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge.

In addition, a person who knowingly makes a false report may be subject to the same action that the school system may take against any other individual who violates this policy. The term "false report" refers only to those made in bad faith and does not include a complaint that could not be or was not corroborated or which related facts which did not rise to the level of unlawful harassment.

Complaints should be made to the Holbrook Public Schools Complaint Officer:

**Assistant Superintendent,  
245 South Franklin Street, Holbrook, MA 02343  
781-767-1226**

The committee will annually appoint a sexual harassment complaint officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with School Committee policy.

### **Privacy Counseling Option**

If a person believes he/she is the victim of harassment, in addition to the right to file a complaint, he/she may also seek advice from a designated school member of the counseling staff. Male and female staff will be designated as counselors. These persons are available to discuss any concerns the complainant may have and provide information to him/her about the policy on harassment and the complaint process. If the complainant desires, this individual will work with him/her to find a way of resolving his/her concerns in an informal manner acceptable to him/her and in a manner which would offer him/her as much privacy and confidentiality as is possible.

SOURCE: Holbrook Public Schools Civil Rights Training Packet

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

CROSS REF: ACAA-E-1 Harassment Complaint Procedure  
ACAAA Staff Complaint Procedures  
ACAAB Student Complaint Procedures  
JICFB Bullying  
JICFC Student to Student Harassment

Adopted: March 19, 2008

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