



**Monomoy Regional School District  
Monomoy Regional School Committee  
Meeting Agenda for Thursday, June 25, 2020 6:30 PM  
Held VIA ZOOM**

This meeting is being held fully remotely in accordance with the Governor of Massachusetts' March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G L. c. 30A, Section 20

[JOIN MEETING HERE](#)

Or

<https://zoom.us/j/96822488880?pwd=M2N4WnlTdVc2dEpBeXE0V0lYd1pHZz09>

Meeting ID: 968 2248 8880

Password: 7bsx6H

**A. Call to Order**

**B. Approval of Minutes - June 11, 2020**

**C. Public Comment:** Speakers are limited to five minutes; additional time at the discretion of the Chairperson

**D. Recognitions**

**E. Reports and Discussions**

1. Discussion updating timeline for Chair and Vice Chair for FY21
2. Chatham Annual Town Meeting
3. MRSC Summer Meeting Schedule
4. Appointment of Michael MacMillan as the representative to the CC Municipal Health Group **VOTE REQUIRED**

**F. Subcommittee Reports**

**G. Superintendent's Report**

**H. Action Items**

- |  |                      |
|--|----------------------|
| 1. Year End Action Items   | <b>VOTE REQUIRED</b> |
| 2. Superintendent Evaluation   | <b>VOTE REQUIRED</b> |
| 3. Second Reading: Policy Files ACAB: Harassment & ACAB-SH Sexual Harassment               | <b>VOTE REQUIRED</b> |
| 4. Appointment of Michael MacMillan as the representative to the CC Municipal Health Group | <b>VOTE REQUIRED</b> |
| 5. Declaration of Surplus  | <b>VOTE REQUIRED</b> |
| 6. Presentation of the Warrants  | <b>VOTE REQUIRED</b> |

**I. Public Comment:** Speakers are limited to five minutes; additional time at the discretion of the Chairperson

**J. Adjournment**

**Monomoy Regional School District**  
**Monomoy Regional School Committee - Zoom Meeting**  
<https://zoom.us/j/96321929497?pwd=QmRzTkFEWmN5cElpUGFsUkluRXhhZz09>

**Meeting ID: 963 2192 9497**

**Thursday, June 11, 2020 – 6:30PM - Meeting Minutes**

**This meeting was held fully remotely in accordance with the Governor of Massachusetts' March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20**

**Members logged in as present:** Tina Games, Vice-Chair; Meredith Henderson; Nancy Scott; Sharon Stout; Joseph Auciello; Jo-anne Sheehan; Terry Russell

**Members not logged in as present:** Jackie Zibrat-Long, Chair

**Administrators logged in as present:** Dr. Scott Carpenter, Superintendent; Katie Isernio; Marc Smith; Jim Birchfield; Joy Jordan; Mary Oldach

**A. Call to Order**

The meeting was called to order at 6:32 PM

**B. Approval of Minutes - May 28, 2020**

**MOTION:** Joseph Auciello moved to approve the meeting minutes of the May 28, 2020 MRSC meeting; seconded by Terry Russell.

**ROLL CALL VOTE:** Terry Russell: Aye; Nancy Scott: Aye; Meredith Henderson: Aye; Jo-anne Sheehan: Aye; Joseph Auciello: Aye; Sharon Stout: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

**C. Public Comment**

Harwich resident Charles Gruzka asked the MRSC to review its guidelines for Public Comment to provide more clarity for those wishing to engage with the committee during that time.

**D. Recognitions**

Dr. Carpenter thanked and recognized the following for their achievements, contributions and donations to the MRSD:

-MRHS Senior Sage Barnes for receiving a Daughters of the American Revolution (DAR) Good Citizens Award

-The Cape & Islands Workforce development board for their grant in the amount of \$1250 for the COVID-19 face shield project.

**E. Reports and Discussions**

**1. First Reading: Superintendent Evaluation**

MRSC members read their individual evaluations of Superintendent Carpenter. These evaluations are based on his 19-20 goals. Comments made on his performance include his commendable leadership during the COVID-19 crisis. Jo-anne Sheehan read the rating numbers for the

summative evaluation. The MRSC will present the Superintendent Evaluation at the June 25, 2020 meeting and will be asked at that time to vote to approve the 19-20 rating.

Dr. Carpenter noted that, while he's received compliments from parents for his work during distance learning, the real thanks goes to the teachers, teacher aides and administrators for all their hard work and continued connections to students while distance learning.

Between sections E4 and E5, Vice-Chair Games asked Jo-anne Sheehan for the total score of the summative evaluation and to read the summative evaluation comment.

## **2. FY21 Regional School District Interim or 1/12th Submission update**

Business Manager, Katie Isernio, confirmed for the MRSC that the 1/12<sup>th</sup> budget has been submitted to DESE though Districts may have to wait until late June 2020 for further instruction regarding the final budget.

Dr. Carpenter stated that reports from the town of Harwich appear 'rosier' than originally projected. His hope is to maintain as much staffing as possible especially if the state looks to reopen schools for the fall 2020 semester.

## **3. Graduation and Senior Events**

MRHS Administrators delivered caps and gowns to graduating seniors during the week of June 1<sup>st</sup>. In addition to the caps & gowns, MRSD teachers and administrators prepared letters to seniors that were delivered to their homes. There will be a graduation processional for seniors preceding the ceremony on June 23<sup>rd</sup>. The route will be posted to the district website. The class of 2020 Graduation Ceremony will take place at 8 PM on June 23, 2020 on the MRHS Stadium field for a student-only ceremony in compliance with social distance protocols. Family members and friends have received the link to view the ceremony remotely.

Vice-Chair Tina Games thanked all the administrators for their efforts in delivering the caps and gowns and expressed her appreciation to all those who had contributed to the letter writing.

## **4. Anticipated Year End Action Item Summary**

Business Manager, Katie Isernio, addressed the MRSC, preparing them for some of the year-end action items that will be presented for a vote including the Regional Transportation account (which offsets the FY22 assessment), the Food Services negative balances, any needed budget transfers and the Barnstable County Retirement assessment. These figures will be provided to the MRSC as we near the end of the fiscal year and they will be asked to vote on these items at the next MRSC meeting on June 25, 2020. Ms. Isernio stated that as some Chromebook leases are coming to an end, instead of returning them, it has been decided to buyout the Chromebook lease so the district has them in the event the district needs them going forward.

## **5. Student Opportunity Act Submission**

### **VOTE REQUIRED**

Dr. Carpenter shared the MRSD grant application for the Student Opportunity Act. The Student Opportunity Act (SOA), a 3-year plan, ensures that districts provide not only a strategic plan but also demonstrates its goals to improve equity of education in that strategic plan. The MRSD SOA grant application includes four commitments and action steps for each commitment.

**Commitment 1: Focusing on Student Subgroups.** *Which student subgroups will require focused support to ensure all students achieve at high levels in school and are successfully prepared for life?* For this commitment, we identify where these objectives are in our strategic plan.

**Commitment 2: Using Evidence-Based Programs to close gaps.** *What evidence-based programs will your district adopt, deepen, or continue to best support the closure of achievement and opportunity gaps? What resources will you allocate to these programs?* For example, the adoption of the new the ELA Curriculum and how it would close achievement gaps as well as early college programs focused primarily on students under-represented in higher education.

**Commitment 3: Monitoring Success with Outcome Metrics and Targets.** *What metrics will your district use to monitor success in reducing disparities in achievement among student subgroups? Select from the list of DESE metrics or provide your own.* For example, ELA MAP data - Grades K-5 and collaborate with Cape Cod Community College, determine and track the percentage of Monomoy graduates prepared for college level.

**Commitment 4: Engaging All Families.** *How will your district ensure that all families, particularly those representing the student subgroups most in need of support, have the opportunity to meaningfully engage with the district regarding their students' needs?* The mission of this group will be to examine our district's systems, policies and procedures with a focus toward equitable access and outcomes for all students.

MRSC members must vote on the SOA grant application in order to submit on behalf of the District.

**MOTION:** Nancy Scott moved to approve the Student Opportunity Act (SOA) as presented, seconded by Terry Russell.

**ROLL CALL VOTE:** Terry Russell: Aye; Meredith Henderson: Aye; Jo-anne Sheehan: Aye; Joseph Auciello: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

## **6. Commissioner's Guidance on Reopening**

Dr. Carpenter shared the Commissioner's Guidance on required safety supplies for schools reopening in the fall of '20 with the MRSC. As of June 5, 2020 current state and federal recommended guidelines call for students to stay home if they're sick, require masks or face coverings, frequent handwashing / hand sanitizing, maintaining 6 feet of separation- including desk spacing, isolation and discharge protocols for students who become ill during the school day, smaller, isolated groups of students assigned to one teacher, regular school cleaning / sanitizing and entry screening. Class sizes restricted to 10 students presents the largest challenge. This may lead to a blended approach for the reentry of students with half in classes and a half engaging in distance learning.

Dr. Carpenter also shared some preliminary results of a reopening survey given to MRSD families, Of the 595 respondents 46.5% want to return to face to face learning in the fall with proper health and safety protocols in place. 17.6% were unsure and 15.9% want a blended approach. 42.6% of respondents also indicated that they rely on school / daycare in order to return to work.

If masks are required in order to return to face to face learning, 79.7% said yes, they would/could provide masks while 2% said no. 18% did not reply. If the state mandates that masks be worn it could present an interesting challenge for those opposed to wearing the required face covering. The survey will close on June 15, 2020 and the results will be submitted to the MRSC for their review.

As MRSC members engaged in the conversation further, they raised questions related to necessary supplies and quantities, facilities cleaning, busing, modified lunchtime routines and protocols, Kindergarten registration and new student orientation.

## **7. MRSC Resolution: COVID-19 Funding**

### **VOTE REQUIRED**

MRSC member Sharon Stout read the proposed COVID-19 funding resolution aloud. The resolution calls for funding support from the state as schools look to reopening classrooms. If the state mandates PPE, the resolution calls for the state to provide reimbursements to schools for mandatory COVID-19 related supplies, i.e.; no unfunded mandates.

**MOTION:** Sharon Stout moved to approve MRSC Resolution for COVID-19 state funding as read, with a correction to the spelling of MRSC member Terry Russell's last name. Motion seconded by Meredith Henderson.

**ROLL CALL VOTE:** Terry Russell: Aye; Joseph Auciello: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

## **F. Subcommittee Reports**

### **First Reading: Policy File ACAB: Harassment & Policy File ACAB-SH Sexual Harassment**

Meredith Henderson of the Policy Subcommittee read the proposed policy files ACAB: Harassment & ACAB-SH Sexual Harassment for the review of the committee. These two policy files will be presented for a second reading and vote at the MRSC meeting on June 25, 2020.

## **G. Superintendent's Report**

Dr. Carpenter reminded the school committee that he will be hosting his third *Conversation with the Superintendent* on June 17, 2020 at 6:30 PM. The major topic will likely be reopening in the fall and the Student Opportunity Act. The Conversation will be held via GOOGLEMEET.

The Superintendent also thanked all those who participated in the Black Lives Matter protest in Harwich Center. He noted how impressive it was to see so many show up and empower the voices of all.

Dr. Carpenter also announced that Monomoy will continue to participate in a food service program over the summer weeks. Partnering with Nauset Schools and Project Bread, the MRSD will continue to provide a grab n go food service at MRHS and MRMS for breakfast and lunch. The pickup locations will run much like before, with pickups available M-F, and weekend meals being available for pickup on Fridays.

Lastly, Dr. Carpenter noted that the Harwich Select Board had asked the district to look at the budget in terms of how the elementary schools are being funded and a potential need to revisit the Regional Agreement as it relates to funding the elementary schools. As CES gets smaller and smaller, the cost per pupil is now \$14,065 for 204 students where HES' cost per pupil is \$11,134 for 552 students. At the current 3 year rolling average, Harwich pays 75.35% and Chatham pays 25.65%. Harwich ends up paying a significant amount of CES's costs. The district has been asked to address the subsidy and look to find ways to equalize spending. The Harwich Select Board would like to start a conversation that would include a Harwich Select Board member, a Chatham Select Board member and potentially a Harwich and Chatham MRSC member.

## **H. Action Items**

### **1. Student Opportunity Act Submission**

### **VOTE REQUIRED**

**MOTION:** Nancy Scott moved to approve the Student Opportunity Act (SOA) as presented, seconded by Terry Russell.

**ROLL CALL VOTE:** Terry Russell: Aye; Meredith Henderson: Aye; Jo-anne Sheehan: Aye; Joseph Auciello: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

### **2. MRSC Resolution: COVID-19 Funding**

### **VOTE REQUIRED**

**MOTION:** Sharon Stout moved to approve MRSC Resolution for COVID-19 state funding as read, with a correction to the spelling of MRSC member Terry Russell's last name. Motion seconded by Meredith Henderson.

**ROLL CALL VOTE:** Terry Russell: Aye; Joseph Auciello: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

### **3. Presentation of the Warrants**

Accounts Payable and Payroll Warrants have been signed by Jo-anne Sheehan, as the MRSC appointed emergency signer.

## **I. Public Comment**

Harwich resident Charles Gruzka commented on the Superintendent Evaluation as presented during the meeting.

MRSC member Joseph Auciello asked Vice-Chair Games to add *Superintendent Evaluation Schedule* to the next MRSC meeting agenda.

## **J. Adjournment**

**MOTION:** At 9:17 PM Joseph Auciello moved to adjourn; seconded by Sharon Stout.

**ROLL CALL VOTE:** Terry Russell: Aye; Joseph Auciello: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Tina Games: Aye.

**UNANIMOUS** the motion passes.

Respectfully Submitted,

Leah Tambolleo  
Recording Secretary

**Documents reviewed and available upon request:**

June 11, 2020 MRSC Meeting Agenda

May 28, 2020 MRSC meeting minutes

Typical Year End action items

DESE Memorandum on Guidance for Reopening schools

COVID-19 Funding Resolution statement

Policy File ACAB: Harassment

Policy Files ACAB-SH: Sexual Harassment

## Cape Cod Municipal Health Group Appointment

The Monomoy Regional School District is a member of the Cape Cod Municipal Health Group (CCMHG) through which the district obtains its health and dental insurances.

The Business Manager is the designated voting member to the group. A vote should be taken to appoint Michael MacMillan, Monomoy Regional School District's Business Manager as the approved voting member to CCMHG. The approved School Committee vote minutes should then be sent to CCMHG for their records.



**Typical Year End Action Items:**

1. Regional Transportation Account Vote
2. Food Services Negative Balances
3. Budget Transfer – if needed

# End-of-Cycle Summative Evaluation Report: Superintendent

**Superintendent:** Scott Carpenter, PhD  
**Evaluator:** Monomoy Regional School Committee

2019-2020

**Name** **Signature** **Date**

## Step 1: Assess Progress Toward Goals (Reference performance goals; check one for each set of goal[s].)

Professional Practice Goal(s)	<input type="checkbox"/> Did Not Meet	<input type="checkbox"/> Some Progress	<input type="checkbox"/> Significant Progress	<input type="checkbox"/> 2 Met	<input type="checkbox"/> 3 Exceeded
Student Learning Goal(s)	<input type="checkbox"/> Did Not Meet	<input type="checkbox"/> Some Progress	<input type="checkbox"/> Significant Progress	<input type="checkbox"/> 5 Met	<input type="checkbox"/> 1 Exceeded
District Improvement Goal(s)	<input type="checkbox"/> Did Not Meet	<input type="checkbox"/> Some Progress	<input type="checkbox"/> Significant Progress	<input type="checkbox"/> 5 Met	<input type="checkbox"/> 2 Exceeded

## Step 2: Assess Performance on Standards (Reference Performance Ratings per Standard; check one box for each Standard.)

**Unsatisfactory** = Performance on a standard or overall has not significantly improved following a rating of Needs Improvement, or performance is consistently below the requirements of a standard or overall and is considered inadequate, or both.  
**Needs Improvement/Developing** = Performance on a standard or overall is below the requirements of a standard or overall but is not considered to be Unsatisfactory at the time. Improvement is necessary and expected.  
**Proficient** = Proficient practice is understood to be fully satisfactory. This is the rigorous expected level of performance.  
**Exemplary** = A rating of Exemplary indicates that practice significantly exceeds Proficient and could serve as a model of practice regionally or statewide.

	Unsatisfactory	Needs Improvement	Proficient	Exemplary
Standard I: Instructional Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Standard II: Management and Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 5	<input type="checkbox"/> 3
Standard III: Family and Community Engagement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 7	<input type="checkbox"/> 1
Standard IV: Professional Culture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 5	<input type="checkbox"/> 3

# End-of-Cycle Summative Evaluation Report: Superintendent

## Step 3: Rate Overall Summative Performance (Based on Step 1 and Step 2 ratings; check one.)

☐ Unsatisfactory

☐ Needs Improvement

☒ Proficient

☐ Exemplary

## Step 4: Add Evaluator Comments

Comments and analysis are recommended for any rating but are required for an overall summative rating of *Exemplary*, *Needs Improvement* or *Unsatisfactory*.  
**Comments:**

This introduction was prepared by Mr. Auciello. "Crisis is the acid test of character, personal skills, and professional competence. School committee peers, in some Cape districts, with an eye to fairness, are minimizing their assessment of superintendent performance since March 15. In the Monomoy Regional School District, on the contrary the superintendent's efforts and accomplishments in the "COVID Era" are more than commendable. Overall, the staff is teaching; students are learning' families are supported. In unexpected, unprecedented bad times, the district is doing good work."

- The Superintendent also displayed his ability to pull together community partners to discuss and strategize the best ways to handle gaps in service as they relate to the needs of families.
- In addition to his determined goals, he exceeded expectations for our district as we moved into the distance learning phase of the school year.
- His proactive approach regarding the region's fiscal and pandemic challenges has resulted in a positive and cooperative climate amongst town select boards and our school committee.
- I continue to respect and appreciate that fact Dr. Carpenter is in the classrooms, and I am impressed by his goal this year to follow through with focus area conversations to potentially be incorporated into the teacher evaluation tool...
- COVID 19 budget shortfall has caused a delay in the purchase and therefore implementation of an ELA program to align the elementary ELA curriculum in our two elementary schools.
- Parents and students have expressed their appreciation. This has been a time of excellent leadership from our Superintendent.
- While our districts learning levels are diversified, teaching strategies and practices carried on with reinforcement from our principals and supported by the superintendent.

## **Monomoy Regional School District**

### **HARASSMENT POLICY AND GRIEVANCE PROCEDURE**

The Monomoy Regional School District ("the District") is committed to maintaining a school and work environment free of harassment of any kind, ~~including harassment based on race, color, religion, gender, national origin, age, sexual orientation, gender identity or disability.~~ The District expects all members of the school community, including but not limited to, administrators, teachers, staff members, students and vendors, to conduct themselves in an appropriate and professional manner and with concern for fellow members of the school community. Paramount is the maintenance of a safe and civil environment in which adults can work and students can learn and achieve high core academic standards. All persons are to be treated with dignity and respect.

~~Harassment in any form will not be tolerated. Harassment is any behavior which has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or behavior that creates a hostile work or educational environment. It may be verbal, non-verbal, written, physical or psychological in nature. Such behaviors may include, but are not limited to:~~

- ~~1. Unsolicited remarks, including threats, intimidation, rumors and name-calling~~
- ~~2. Unwelcome or intimidating gestures~~
- ~~3. Display or circulation of written materials or pictures of a derogatory nature~~
- ~~4. Unwelcome touching, cornering or other physical contact~~
- ~~5. Deliberate social exclusion~~
- ~~6. Cyber bullying, the use of electronic information and communication technologies to threaten, harass or intimidate a person or group of persons (including, but not limited to, e-mail messages, instant messaging, text messaging, cell phone communication, internet blogs, internet chat rooms, social networking websites).~~

~~Harassment may take place on school grounds, at school-sponsored activities, at an official school bus stop, or on school-provided transportation. Harassment may be overt or subtle, but regardless of what form it may take, i.e. verbal, non-verbal or physical, harassment can be insulting and demeaning to the recipient and will not be tolerated in the District. Determinations about whether or not behavior is considered harassment will be viewed from the perspective of a reasonable person. As such, 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.~~

~~In addition, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

- ~~• Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;~~
- ~~• Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions;~~
- ~~• Such conduct interferes with an individual's job duties, education or participation in extracurricular activities; or~~
- ~~• The conduct creates an intimidating, hostile or offensive work or school environment.~~

~~Under certain circumstances, harassment (particularly sexual harassment) may constitute child abuse under M.G.L. Chapter 119, Section 51A. The District shall comply with state law in reporting suspected cases of child abuse.~~

~~The Superintendent of Schools shall appoint a district Title IX/Section 504 of Rehabilitation Act Chapter 622 Coordinator to communicate the requirements of the law relative to harassment and the contents of this policy. The Superintendent or his/her designee shall establish a district grievance procedure for reporting and investigating allegations of harassment.~~

~~Individuals who believe that they have been subjected to harassment or discrimination may file their complaint with the Coordinator, Building Principal or Superintendent. Any teacher who receives a complaint from a student or parent/guardian/caregiver is expected to immediately refer the complaint to the Coordinator, Building Principal or Superintendent. This will allow the school department to quickly investigate and resolve complaints. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations, and with the necessity to investigate allegations of harassment and to take corrective action with allegations that have been substantiated. The results of the investigation shall be made known to the complainant and the alleged harasser as soon as possible.~~

The District does not discriminate against students, parents/guardians/caregivers, employees or the general public. No person shall be excluded from or discriminated against in admission to the Monomoy Regional School District, or in obtaining the advantages, privileges and courses of study of the District on account of race, color, sex, gender identity, religion, national origin, or sexual orientation. (G.L.c. 76, §5). Additionally, the District does not tolerate harassment based upon race, color, sex, gender identity, religion, national origin, or sexual orientation. (603 CMR 26.08).

This policy covers all types of harassment apart from sexual harassment, which is addressed in Policy ACAB-SH

The District expects all members of the school community, including but not limited to, administrators, teachers, staff members, students and vendors, to conduct themselves in an appropriate and professional manner and with concern for fellow members of the school community. Paramount is the maintenance of a safe and civil environment in which adults can work and students can learn and achieve high core academic standards. All persons are to be treated with dignity and respect.

Harassment in any form will not be tolerated. Harassment is any behavior which has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or behavior that creates a hostile work or educational environment. It may be verbal, non-verbal, written, physical or psychological in nature. Such behaviors may include, but are not limited to:

1. Unsolicited remarks, including threats, intimidation, rumors and name-calling
2. Unwelcome or intimidating gestures
3. Display or circulation of written materials or pictures of a derogatory nature
4. Unwelcome touching, cornering or other physical contact
5. Deliberate social exclusion
6. Cyber bullying, the use of electronic information and communication technologies to threaten, harass or intimidate a person or group of persons (including, but not limited to, e-mail messages,



instant messaging, text messaging, cell phone communication, internet blogs, internet chat rooms, social networking websites).

Harassment may take place on school grounds, at school-sponsored activities, at an official school bus stop, or on school-provided transportation. Harassment may be overt or subtle, but regardless of what form it may take, i.e. verbal, non-verbal or physical, harassment can be insulting and demeaning to the recipient and will not be tolerated in the District. Determinations about whether or not behavior is considered harassment will be viewed from the perspective of a reasonable person. As such, 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.

### **Definitions**

*Actual knowledge*- Actual notice does not exist where no member of the school staff has witnessed the harassment, or been told about the harassment, apart from the respondent. This is true even where it can be argued that members of the school staff “should have known” about the harassment, but did not.

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment.

*Deliberate indifference* means a response to harassment that is clearly unreasonable in light of the known circumstances.

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Supportive measures* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

As indicated above, these procedures do not limit the District from removing a student from a program or activity on an emergency basis based on immediate threats to people’s physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

### **Mandated Reporting**

Under certain circumstances, harassment (particularly sexual harassment) may constitute child abuse under M.G.L. Chapter 119, Section 51A. The District shall comply with state law in reporting suspected cases of child abuse.

The Superintendent of Schools shall appoint a district Title IX/Section 504 of Rehabilitation Act Chapter 622 Coordinator to communicate the requirements of the law relative to harassment and the contents of this policy. The Superintendent or his/her designee shall establish a district grievance procedure for reporting and investigating allegations of harassment.

### **Grievance Procedure: Reporting Complaints of Discrimination and Harassment Except**

## **Sexual Harassment**

If any student, parent/guardian/caregiver or employee believes, in good faith, that he or she has been subjected to harassment or discrimination described above, the individual has a right to file a complaint with the District. This may be done informally or formally, as described below.

Teachers or other staff members who observe or receive reports of incidents of harassment or discrimination involving students shall report (verbal or written) such incidents immediately to the student's Principal. Administrators aware of harassment or discrimination involving any employee shall report such incidents to the relevant coordinator, listed below, or to the Superintendent.

Please note that while these procedures relate to the District's policy of promoting an educational setting free from discrimination and harassment, including sexual harassment, as detailed further in a separate policy, these procedures are not designed nor intended to limit the District's authority to discipline or take remedial action for conduct which is deemed unacceptable.

### **Coordinator Contact Information**

The Civil Rights Coordinator for Title VI (race, color, national origin); Section 504 (disability); Title II of the ADA (disability); Religion, Sexual Orientation, Gender Identity, and Age, is:  
**Director of Student Services 508-945-5130**

Students, parents/guardians/caregivers, or employees who wish to initiate either the informal or the formal complaint process may direct a written or verbal complaint to the relevant coordinator or to the Principal for the school in which the alleged discrimination or harassment took place. Whether formal or informal in nature, written complaints are encouraged. Students may additionally report incidents that they believe involve harassment or discrimination to their guidance counselor, any teacher, administrator or any member of the support staff, and the staff member will refer to the complaint to the Principal or the relevant coordinator.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, the relevant coordinator, or a designee. Whether the complaint is reduced to writing by a student, parent/guardian/caregiver, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the student is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by the District.

Efforts should be made to file such complaints within twenty (20) calendar days after the alleged discriminatory action occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. However, the District will investigate any complaint no matter when it is filed, except that the District has discretion to dismiss a complaint where the passage of time would result in the district's inability to gather evidence sufficient to reach a determination regarding

responsibility.

Within two business days of receiving a complaint, the District will determine whether the complainant wishes to utilize formal or informal procedures, which the complainant can also expressly select as described below in section (1) regarding informal procedures and section (2) regarding formal procedures, and, if the complainant chooses formal procedures, begin to investigate every complaint of harassment, discrimination, or violence.

Any teacher or other employee who receives a complaint of discrimination or harassment shall immediately forward the complaint to the building Principal. The Principal will then determine whether the complainant wishes to pursue formal or informal procedures, and will forward all formal complaints to the relevant coordinator listed above, who will begin the formal procedure described below. If the complainant wishes to pursue informal procedures, the Principal and/ or the Principal's designee will first attempt to resolve the complaint at the building level.

The relevant coordinator or designee shall handle the investigation and resolution of a formal complaint. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority, and any complaint about the relevant coordinator will be investigated by the Superintendent or his designee. Any complaint about the Superintendent should be submitted to the chairperson of the school committee, who should consult with legal counsel concerning the handling and investigation of the complaint.

### **Internal Grievance Procedure**

#### **1. Informal Resolution of Discrimination and Harassment Complaints**

Before initiating the formal procedure, a complainant may wish to resolve the complaint on an informal basis through discussion between the complainant and the respondent, which will be facilitated by the building Principal or designee. The complainant may request informal procedures or be given the option of electing between pursuing informal or formal procedures at the time that their complaint is received by the relevant coordinator or building Principal. Informal procedures are entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal procedures have already begun. Similarly, respondents may elect to follow formal procedures.

If the complainant and the respondent feel that a resolution has been achieved, then the conversation remains confidential and no further action needs to be taken. This voluntary conversation must occur within five (5) workdays after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

If the complainant is not satisfied with the resolution from the informal process, or if he/she does not choose informal resolution, then he/she can begin the formal complaint procedure described below



## **2. Formal Resolution of Discrimination and Harassment Complaints**

A student, parent/guardian/caregiver or employee who is not satisfied with the informal resolution process or who chooses not to participate in the informal resolution process may initiate the formal complaint procedure at any time.

### **Step One**

Within forty-eight (48) hours of receiving the complaint or of the termination of an unsuccessful informal resolution process (whichever is later), the relevant coordinator or designee will meet with the complainant and/or alleged victim (if they are different) by telephone or in person. The relevant coordinator or designee will complete a discrimination/harassment complaint form based on the written or verbal allegations of the complainant within forty-eight (48) hours of meeting with the complainant. The complaint form will be maintained by the relevant coordinator or designee.

### **Step Two**

A prompt investigation shall be completed by the relevant coordinator or designee within thirty (30) school days from the date that the District received a complaint or report, unless impracticable (e.g., the complaint is received during the summer time and witnesses are unavailable). The relevant coordinator or designee will provide written notice of the investigation to the alleged perpetrator before conducting an interview of the alleged perpetrator, including whether or not the relevant coordinator or designee anticipates that there may be discipline.

The investigation may, as appropriate, consist of personal interviews with the alleged victim/complainant, the complainant (if different than the alleged victim), the individual(s) against whom the complaint is filed ("alleged perpetrator[s]"), and any other individuals who may have knowledge of the alleged incidents(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the relevant coordinator or designee.

The complainant and the respondent(s) have the opportunity to present witnesses and information that they deem relevant to the relevant coordinator or designee. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. However, regardless of the complainant's participation in the investigation, the District will investigate the complaint to the extent possible and will take appropriate action based on the results of its investigation.

### **Step Three**

The coordinator or designee shall document his or her findings. The coordinator or designee shall send the written report of the findings to the Superintendent, complainant, and respondent(s) within thirty (30) school days after the investigation has been completed, unless the complainant and respondent agree in writing to extend the timeline.

The report shall include:

- a) a statement of the allegations investigated;
- b) a summary of the steps taken to investigate the allegations;
- c) the findings of fact based on a preponderance of the evidence gathered;
- d) the District's conclusion, based upon a preponderance of the evidence, of whether discrimination, harassment, or violence did or did not occur;
- e) the disposition of the complaint;
- f) the rationale for the disposition of the complaint; and
- g) if the District concluded discrimination, harassment, different treatment, or violence occurred, a description of the District's response. However, all discipline of the respondent will be kept confidential from the complainant unless it directly relates to the complainant (e.g., complainants will be notified of stay-away orders but not suspensions).

The coordinator or designee shall determine whether the allegations have been substantiated as factual and whether they appear to be violations of this policy, using a preponderance of the evidence standard.

*A preponderance of the evidence* means that it is more likely than not that the alleged conduct occurred. The coordinator or designee shall further recommend what action, if any, is required. If it is determined that harassment, discrimination or different treatment occurred, the District will take steps to prevent the recurrence of the harassment, discrimination or different treatment and correct its discriminatory effect on the complainant and others if appropriate.

Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

#### **Step Four**

The coordinator and/or Superintendent shall maintain the written report of the investigation, findings and disposition.

The District will contact the complainant within fourteen (14) school days following the conclusion of the investigation to assess whether there has been on-going harassment or retaliation and to determine whether additional supportive measures are needed.

### **3. Supportive Measures**

The District shall take immediate steps to protect the complainant, respondent, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. The District will take supportive measures to prevent retaliation against the complainant, respondent, witnesses, and the larger school community.

#### **4. Appeals**

Any party may appeal the decision of the Investigator in writing to the Superintendent within fifteen (15) school days of receipt of the findings of the formal procedure. The Superintendent, as an impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

#### **External Grievance Procedure**

Any student, parent/guardian/caregiver or employee who chooses not to use the District's internal grievance procedures or who is not satisfied with the District's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

#### **Retaliation**

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

**For complaints related to discrimination/harassment of students:**

**The Office for Civil Rights, US Department of Education**

**5 Post Office Square, 8<sup>th</sup> Floor**

**Boston, MA 02109-3921**

**Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172**

**OR**

**The Massachusetts Commission Against Discrimination**

**One Ashburton Place**

**Sixth Floor, Room 601**

**Boston, MA 02108**

**Phone 617-994-6000, TTY: 617-994-6196**

**For complaints related to discrimination/harassment of parent/guardian/caregivers:**

**The Office for Civil Rights, US Department of Education**

**5 Post Office Square, 8<sup>th</sup> Floor**

**Boston, MA 02109-3921**

**Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172**

For complaints related to discrimination/harassment of employees:  
The Office for Civil Rights, US Department of Education  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109-3921  
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone 617-994-6000, TTY: 617-994-6196

OR

The Equal Employment Opportunities Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000

#### **Referral to Law Enforcement, Other Agencies**

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant of the right to file a criminal complaint.

#### **Retaliation**

~~Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.~~

~~Each Administrator, in conjunction with the Coordinator, shall be responsible for enforcing this policy to assure compliance with Federal and State laws and district policy governing harassment within their respective schools or areas of responsibility.~~

~~Adult members of the school community shall lead by example and enforce this policy among the student population. Student to student harassment will not be tolerated.~~

~~Where an allegation of discrimination or harassment has been substantiated, the District shall act promptly to address the matter and with the intent to prevent any future occurrence. Any employee, student or other individual in the school community found to have engaged in harassment may be subject to discipline, including but not limited to verbal warning, written warning, reprimand, suspension, expulsion (students) or termination (employees) subject to applicable procedural requirements. The severity of the disciplinary action shall be based upon the circumstances, nature of the infraction, prior discipline, or any other factors deemed relevant by the administration. Individuals who engage in harassing behavior should also be aware that their conduct may subject them to private legal action under state or federal law by the individual complainant. The District also prohibits any retaliation against those who make a complaint of harassment. Any individual who retaliates against a complainant, or any person who testifies, assists or participates in the investigation, proceeding or hearing will be subject to discipline. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any individual who deliberately files an untrue complaint or knowingly provides false information in the context of an investigation, hearing or other proceeding will also be subject to disciplinary action by the school district. Persons who have been subject to harassment will be provided with support and assistance as appropriate in meeting their needs within the school environment, and will be aided in seeking further assistance if they so desire through referral to appropriate sources. Notice of this policy shall be circulated to all the schools in the District and incorporated annually in staff and student handbooks. It shall be posted in the main office of each school and in all faculty lounges. Training sessions on this policy and prevention of harassment shall be held annually for all staff members and students in an age appropriate format.~~

Legal References: Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendment of 1972  
Section 504 of the Rehabilitation Act; Title II of the ADA  
M.G.L. c. 151B and c. 151C  
M.G.L. c. 76, section 5  
M.G.L. c. 119, section 51A  
M.G.L. c. 71B, section 1 Revised: 101712009

**Monomoy Regional School District  
SEXUAL HARASSMENT/ TITLE IX POLICY  
NEW POLICY**

**Definitions**

In the *employment context*, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

In the *educational context*, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

The District will promptly investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the school district exercises substantial control, in a way that is not deliberately indifferent.

The following additional definitions apply:

*Actual knowledge*- Actual notice does not exist where no member of the school staff has witnessed the harassment, or been told about the harassment, apart from the respondent. This is true even where it can be argued that members of the school staff "should have known" about the harassment, but did not.

*Administrative leave* means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.



*Consent* means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due the influence of fear, fraud, forcible compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Deliberate indifference* means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

*Emergency removal* means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

*Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the district investigate the allegation of sexual harassment.

Title IX Coordinator: Director of Student Services 508-945-5130

*Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Supportive measures* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures

### **Complaints and Reports of Sexual Harassment**

Upon receiving actual notice of alleged sexual harassment without a formal complaint, staff members must notify the Title IX Coordinator. The Title IX Coordinator must then contact the complainant within two school days of receiving the complaint and do the following:

- Discuss and offer supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead the district to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require the school district to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours. The contact information for the Title IX Coordinator is: Director of Student Services  
508-945-5130

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent/guardian/caregiver, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by the District.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of the school district. Additionally, the district has discretion to dismiss a formal complaint where the passage of time would result in the district's inability to gather evidence sufficient to reach a determination regarding responsibility, or when the district loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by the district).

Investigations to allegations of sexual harassment will be prompt and the formal process will be completed within a sixty day timeframe where feasible.



### **Immediate Procedures**

Within two school days of receiving a formal complaint of sexual harassment, the Title IX Coordinator must contact the complainant and respondent regarding supportive measures and offer them equally to both parties during the pendency of the grievance procedures.

### **Written Notice**

Before any investigation can begin, the district must send written notice to both parties including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

### **Informal Resolution**

Where appropriate, after notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Informal resolution may only be offered after a formal complaint is filed, and the parties must give written consent to engage in this process. Informal resolution may not be used if the allegation is against an employee respondent. Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties.

Informal resolution is entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal resolution has already begun. Similarly, respondents may elect to follow formal procedures and decline informal resolution.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within five (5) school days after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

If the complainant is not satisfied with the resolution from the informal process, or if he/she does not choose informal resolution, then he/she can begin the formal complaint procedure described below.

### **Investigation**

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. The Title IX

Coordinator is free to cast himself/ herself in either role, where appropriate.

The investigator must not be biased against any of the parties at the outset of the investigation. The investigator will be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

The investigator must avoid making any final determinations of responsibility for sexual harassment.

Findings should be written in a factual way in an investigative report. Credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

During the investigative process and any further hearings, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings. The district will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

### **Findings of Responsibility**

After the investigator has completed the investigation, the designated decision-maker will be assigned to determine final responsibility or lack thereof for violating Title IX. The decision-maker must not be biased against any of the parties at the outset of this process.

Before the district can determine responsibility, an investigative report and all tangible evidence relied upon will be sent to the parties and the decision-maker will offer both the complainant and respondent the opportunity to submit proposed relevant, written questions to ask of any party or witness, to respond to questions posed by another party, and to offer additional limited follow-up.

After this process is complete, the decision-maker will create a written determination regarding whether sexual harassment has occurred using a preponderance of the evidence standard.

*A preponderance of the evidence* means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, the District will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate.

The written determination must be issued to both parties simultaneously and must include:

(A) Identification of the allegations potentially constituting sexual harassment;

- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the recipient's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- (F) The district's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion or termination. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit the District from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

#### **Records**

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and district staff will document the basis for the district's conclusion that its response was not deliberately indifferent.

#### **Training**

The district will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The district will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section.

The district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **Appeals**

Any party may appeal the decision in writing to the Superintendent within fifteen (15) school days of receipt of the findings of the formal procedure. The Superintendent or designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

### **External Grievance Procedure**

Any student, parent/guardian/caregiver or employee who chooses not to use the District's internal grievance procedures or who is not satisfied with the District's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education

5 Post Office Square, 8<sup>th</sup> Floor

Boston, MA 02109-3921

Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination

One Ashburton Place

Sixth Floor, Room 601

Boston, MA 02108

Phone 617-994-6000, TTY: 617-994-6196

For complaints related to discrimination/harassment of parents:

The Office for Civil Rights, US Department of Education

5 Post Office Square, 8<sup>th</sup> Floor

Boston, MA 02109-3921

Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

For complaints related to discrimination/harassment of employees:

The Office for Civil Rights, US Department of Education

5 Post Office Square, 8<sup>th</sup> Floor

Boston, MA 02109-3921

Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone 617-994-6000, TTY: 617-994-6196

OR

The Equal Employment Opportunities Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000

**Referral to Law Enforcement, Other Agencies**

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant/ alleged victim of the right to file a criminal complaint.

**Retaliation**

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.