



**Monomoy Regional School District  
Monomoy Regional School Committee  
Meeting Agenda for Thursday, June 11, 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

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Or

<https://zoom.us/j/96321929497?pwd=QmRzTkFEWmN5cElpUGFsUkluRXhhZz09>

Meeting ID: 963 2192 9497

Password: 3RjX3w

**A. Call to Order**

**B. Approval of Minutes - May 28, 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. First Reading: Superintendent Evaluation
2. FY21 Regional School District Interim or 1/12th Submission update
3. Graduation and Senior Events
4. Anticipated Year End Action Item Summary
5. Student Opportunity Act Submission
6. Commissioner's Guidance on Reopening
7. MRSC Resolution: COVID-19 Funding

**VOTE REQUIRED**

**VOTE REQUIRED**

**F. Subcommittee Reports**

1. First Reading: Policy File ACAB: Harassment
2. First Reading: Policy File ACAB-SH Sexual Harassment

**G. Superintendent's Report**

**H. Action Items**

1. Student Opportunity Act Submission
2. MRSC Resolution: COVID-19 Funding
3. Presentation of the Warrants

**VOTE REQUIRED**

**VOTE REQUIRED**

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

**J. Adjournment**

Authorized Posting Agent  
Leah Tambolleo, Recording Secretary  
June 9, 2020

**Monomoy Regional School District**  
Monomoy Regional School Committee - Zoom Meeting  
<https://zoom.us/j/92082518196?pwd=ZEVHTDhHRzlpYUx2d0czSkFSRW9UZz09>  
Meeting ID: 920 8251 8196  
Password: 7hKM5j  
Thursday, May 28, 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: Jackie Zibrat-Long, Chair; Tina Games; Meredith Henderson; Nancy Scott; Sharon Stout; Joseph Auciello; Jo-anne Sheehan; Terry Russell

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

**A. Call to Order** - The meeting was called to order at 6: 33PM

**B. Approval of Minutes** - May 14, 2020

**MOTION:** Jo-anne Sheehan moved to approve the minutes from the May 14, 2020 MRSC meeting; seconded by Terry Russell.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Tina Games: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

**C. Public Comment:** None

**D. Reports and Discussions**

**1. FY19 Audit & Financial Overview of the District with Emily Pina**

Emily Pina, MRSD Auditor from the firm Scappini and Pina, joined the MRSC meeting to report on the FY19 audit. There are 3 reports that are issued in the audit process. The first reports on the financial statements, the second reports on the internal controls and the third, the single audit, reports on federal grants proceeds over \$750K. That, for the MRSD in FY19, was the SPED grant cluster. These 3 reports yielded clean results. Ms. Pina did note that the financial statement shows a deficit of \$25 MIL, which is not uncommon. Due to government accounting standards, both OPEB and pension liabilities are now reported in a full basis on the financial statements at the end of the year which is generating the deficit. As these are unfunded liabilities-there are no assets to offset the liability- it shows as a negative net position but this is the case for all area towns and schools.

**2. Superintendent Evaluation process and questions**

Chair Zibrat-Long reviewed the timeline for the Superintendent Evaluations. Individual evaluations are due to the Chair by June 1, 2020. Individual and Summative Evaluations will be presented for a

first reading at the June 11, 2020 MRSC meeting and again for a second reading and vote at the June 25, 2020 MRSC meeting. Jo-anne Sheehan will be presenting the Summative Evaluation at the June 11, 2020 meeting.

### **3. FY21 Regional School District Interim or 1/12th Budget**

Dr. Carpenter started the report by stated that the Finance Subcommittee had met to follow up on the budget conversation from the MRSC meeting on May 14<sup>th</sup>. While the town of Chatham is going to be holding their annual town meeting on June 22, 2020, we now know that the town of Harwich will not be holding their annual town meeting until September 28, 2020. Therefore, in order to have cash flow to support the District, the 1/12<sup>th</sup> Budget must be submitted to DESE by June 1, 2020 until both member towns vote to approve a budget that supports our District. A 1/12 budget is 1/12 of the current fiscal year (FY20). There is also an understanding that some previously known FY21 budget numbers, like the Chapter 70 figures, may be flawed as they represent pre-COVID 19 figures. Dr. Carpenter also stated that the Finance Subcommittee discussed the removal of the new ELA curriculum as originally supported in the FY21 budget as well as the reallocating of additional money from E&D to support it. The District will also look to strike a balance between further staff reductions and efficiently utilizing E&D monies until the final budget numbers are known. The Interim or 1/12th Budget is a temporary budget solution so that there is a cash flow into the District and will be in place until both member towns are able to vote to support the FY21 budget as previously voted and approved by the MRSC.

As the District is required submit this Interim or 1/12<sup>th</sup> budget to DEE by June 1, 2020 the following motions were presented to the MRSC:

**MOTION 1:** Nancy Scott, for the purposes of submitting a 1/12<sup>th</sup> budget to the DESE by June 1st, moved to approve the revised FY21 budget amount to be \$41,449,432, which is a reduction of \$285,191. Motion seconded by Terry Russell.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Tina Games: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

**MOTION 2:** Nancy Scott, for the purposes of submitting a 1/12<sup>th</sup> budget to the DESE by June 1st, moved to revote the revised FY21 budget change in Cost Center 2000 *Instruction Expenses* to an amount of \$1,050,323. All other cost centers are the same from the last vote. Motion seconded by Terry Russell.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Tina Games: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

**MOTION 3:** Nancy Scott, for the purposes of submitting a 1/12<sup>th</sup> budget to the DESE by June 1st, moved to approve the revised FY21 assessment by using an additional \$793,332 of Excess and Deficiency (E&D) funds to support the School Committee approved FY21 Budget. The total amount of E&D funds to be used in FY21 budget will be up to \$1,666,141. Motion seconded by Terry Russell.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Tina Games: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

**MOTION 4:** Nancy Scott, for the purposes of submitting a 1/12<sup>th</sup> budget to the DESE by June 1st, moved to approve the total assessment for FY21 of \$34,924,398. This is a breakdown of the

assessment to the Town of Chatham in the amount of \$8,693,761.50 and an assessment to the Town of Harwich in the amount of \$26,230,636.50. Motion seconded by Terry Russell.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Tina Games: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

#### **4. Graduation**

Dr. Carpenter reported that the class of 2020 graduation plans, as presented to the MRSC at the 5/14/2020 MRSC meeting, are still moving forward. Graduation will be held on the stadium field of the MRHS on June 23, 2020 at 8 PM for a student-only event. Seniors last day of class is tomorrow, May 29, 2020. They have been invited back to the HS to participate in the annual 'last lap' in the MRHS parking lot / driveway. MRHS Administration will also be delivering Caps and Gowns personally to 2020 graduates during the week of June 1<sup>st</sup>. There will be an Athletic Tribute and Senior Arts night, as well, being hosted virtually via GOOGLEMEET.

At the graduation ceremony, Seniors will be appropriately spaced out according to social distancing guidelines and the graduation ceremony will be broadcast live so that friends and families will be able to view the ceremony.

#### **E. Recognitions**

Dr. Carpenter thanked and recognized the following for their achievements, contributions and donations to the Monomoy Regional School District:

- Monomoy Regional Middle School teacher **Nancy Gifford** has earned the American Meteorological Society's Certified AMS Teacher (CAT) designation, a professional recognition for completing required coursework and being actively engaged in raising Earth science literacy. Among science educators, the CAT designation is sought as a mark of distinction and recognition.
- David Oppenheim and the Wayside Inn for their latest donation to the CES food pantry. The donation is for \$5,282.98 of food, and we served approximately 300 people last "pick up" week.
- Ms. Fanning-Smith and Pine Acres/Compass Realty for \$1500.00 to the Lighthouse Fund. We were able to purchase additional pantry and self-care items at Stop and Shop with these funds.
- Mr. Farrell, Stop and Shop's manager, for his help with this, and for Stop and Shops donation of three cases of snack chips to these efforts as well.

#### **F. Subcommittee Reports**

Having met at 5 PM, prior to the 5/28/2020 MRSC Regular Meeting, Tina Games reported out from the Policy Subcommittee stating that they will be presenting two policies for a review and first reading at the next MRSC meeting on June 11, 2020.

The Finance Subcommittee met May 27, 2020 to further discuss the FY21 Regional School District Interim or 1/12th Budget. Please refer to D3.

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

Dr. Carpenter reported that on June 17, 2020 he will be hosting his third *Conversation with the Superintendent*. This will be held as a virtual GOOGLEMEET conversation. He suspected the conversation will likely center around feedback on Distance Learning and what the fall semester could potentially look like if Massachusetts moves to reopen schools.

## **H. Action Items**

### **1. Declaration of Surplus**

**MOTION:** Meredith Henderson moved to approve the following items from the Monomoy Regional MS as surplus:

37 Laptops  
2 Storage servers  
5 Projector mounting arms  
6 Laser Jet printers  
44 Flat screen monitors

Motion seconded by Joseph Auciello.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Sharon Stout: Aye; Joseph Auciello: Aye; Tina Games: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

### **2. 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 Gruszka asked for a repeat of the motions of the 1/12<sup>th</sup> budget and an explanation.

Harwich resident and Monomoy RSD employee Cindy Gushee addressed the committee regarding staffing reductions and hoped community members would see that we've made an effort to offer an affordable budget to member towns by doing so.

## **J. Adjournment**

**MOTION:** At 8 PM. Nancy Scott moved to adjourn; seconded by Meredith Henderson.

**Roll Call Vote:** Terry Russell: Aye; Jo-anne Sheehan: Aye; Meredith Henderson: Aye; Nancy Scott: Aye; Joseph Auciello: Aye; Sharon Stout: Aye; Tina Games: Aye; Jackie Zibrat-Long: Aye.

**UNANIMOUS** the motion passes.

Respectfully Submitted,

Leah Tambolleo  
Recording Secretary

**Documents reviewed and available upon request:**

5/28/2020 MRSC Agenda  
MRSC meeting minutes 5 14 2020  
FY19 Final Financial Statements  
FY19 Final Single Audit Report  
Motions for Interim or 1/12 Budget  
Declaration of Surplus Items from MRMS

Typical Year End Action Items:

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



Jeffrey C. Riley  
Commissioner

# **Massachusetts Department of Elementary and Secondary Education**

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000  
TTY: N.E.T. Relay 1-800-439-2370

## **MEMORANDUM**

**To:** Superintendents, Charter School Leaders, Assistant Superintendents,  
Leaders of Special Education Schools, Collaborative Leaders, and Leaders of  
Private Schools  
**From:** Jeffrey C. Riley, Commissioner  
**Date:** June 5, 2020  
**Subject:** Guidance on Required Safety Supplies for Re-Opening Schools

With key health metrics continuing to improve in the Commonwealth and the Governor's four-part overall economic reopening plan underway, this short guidance document is focused on one important aspect of re-opening schools: key safety supplies.

This is another piece of school re-opening guidance that we are continuing to issue on a rolling basis. As you know, yesterday evening, we released initial guidance for summer programs. More comprehensive guidance on special education programs will come early next week. And final summer school guidance as well as initial guidance on fall re-opening will be released in the coming weeks.

We are issuing this guidance on key safety supplies now so that districts can begin the ordering process for critical items that may be harder to procure and/or have longer potential delivery times. In this document, we provide specific information that will allow districts and schools to make these key safety purchases as soon as possible.

Below, we outline required supply items and initial recommended ordering quantities for the first 12 weeks of school based on our best estimates at this time. We also detail the support that the Department of Elementary and Secondary Education (DESE) and partner state agencies can provide to assist you with your acquisition work.

This guidance has been informed by consultation with state agency partners, professionals in the preparedness field, and district and school leaders. We will provide updated guidance as needed.



## **Overview of Current Health and Safety Guidelines**

We are operating with the best information we have as of early June about how to maintain the health and safety of our students and staff in any in-person school programs and limit the risk of COVID-19 transmission. Based on federal and state guidance and recommendations available at this time, safely re-opening schools will require that the following components are in place:

**Staying home if sick:** As part of the social compact of re-opening, students and staff must stay home if they are feeling sick or have any symptom associated with COVID-19. This means that schools will need to have enhanced protocols in place for managing staff and student absences.

**Face coverings and masks:** Students and staff must wear face coverings or masks, with exceptions only for those students or staff for whom it is not safe to do so due to age, medical conditions, or other considerations. In cases in which face coverings or masks are not possible, social distancing of 6 feet is required, unless not feasible due to the personal situation. Parents will be responsible for providing students with face coverings or masks. Schools must have backup disposable masks available for students who need them. Staff may choose to wear their own mask or one provided by the school.

**Frequent hand washing and hand sanitizing:** All students and staff must engage in frequent handwashing, including upon arrival, before and after meals, after bathroom use, after coughing or sneezing, and before dismissal. Protocols must be established for effective handwashing in which individuals use soap and water to wash all surfaces of their hands for at least 20 seconds, wait for visible lather, rinse thoroughly, and dry with an individual disposable towel. If handwashing is not available, hand sanitizer with at least 60 percent alcohol content can be used.

**Maintaining 6 feet of separation at all times:** All students and staff must maintain a social distance of 6 feet to the greatest extent possible. Desks must be spaced at least 6 feet apart and facing the same direction, and protocols must be developed to maintain this distance when students are entering and exiting the building and moving through the school (including to and within restrooms) when feasible.

**Isolation and discharge protocols for students who may become ill during the day:** Schools must develop protocols for isolation and discharge of students who become sick during the school day. A specific room must be maintained for students with COVID-19 symptoms that is separate from the nurse's office or other space where other ailments are treated.

**Smaller, isolated groups of students assigned to one teacher:** Successfully implementing 6 feet of social distancing will require significantly smaller class sizes and reduced staff-to-student ratios. Furthermore, where feasible, programs should isolate individual groups of students with one consistently assigned teacher, and groups should not mix with other students or staff. At this time, group sizes are restricted to a maximum of 10 students, with a maximum of 12 individuals, including students and staff, in each room.

**Regular cleaning, sanitizing, disinfecting, and disposal protocols:** Schools will need to undertake new protocols and routines to ensure that facilities and surfaces are regularly cleaned, sanitized, and disinfected in accordance with health and safety guidelines and that hazardous materials are disposed of properly.

**Entry screening and other facility operations:** While additional information about symptom screening and other facility operations will be provided in the coming weeks, after discussions with the COVID-19 Command Center's Medical Advisory Committee, it is not recommended to temperature check students at entry due to the significant number of both false positive and false negative results.

Specifically for this document, we used the following basic assumptions to develop the required supply items and initial recommended ordering quantities:

- Students will bring their own face coverings or masks to school, but schools will have a backup supply of masks on hand for students who do not have them, or if their masks become otherwise not useable during the school day.
- Schools will provide face coverings or masks for all teachers and staff who do not bring their own.
- Students and staff will engage in frequent hand sanitizing.
- Custodians will need to be equipped with appropriate masks, gloves, and a proper waste disposal medium.
- Nurses and health providers will need additional specialized supplies to properly isolate and discharge suspected COVID-19 positive students.

Please note: This is not an exhaustive list of all COVID-19-related supplies. Schools will need to consider additional supply categories – such as hand soap and building cleaning supplies – for which they may need to increase current purchasing quantities. However, these items are not the focus of the lists below, as we are not aware of any supply constraints that would limit the ability of districts or schools to purchase these items on typical timelines.

### **Purchasing Responsibility**

It is each school district's responsibility to acquire the supplies needed to safely and responsibly re-open their school buildings consistent with forthcoming state guidance. The Department will provide technical assistance on ordering the types and volume of supplies outlined in this document, facilitate access to suppliers on state contracts, and offer a dedicated help desk.

The Department's issuance of the federal Elementary and Secondary School Education Relief Fund (ESSER), <http://www.doe.mass.edu/federalgrants/esser/>, provides districts with immediate access to grants to fund the cost of supplies.

### **Required Long Lead Time Supplies and Volumes**

The Department is providing the following required supply list with initial recommended volumes to enable school districts to calculate their individual school needs for an initial 12-week operating period. The replacement rate for the listed items is based on informed estimates from our subject matter experts. Districts should plan to measure actual usage rates during the first 30 days of building operations and adjust their reorder levels accordingly.

#### **DISPOSABLE MASKS**

*Initial recommended quantities per 100 individuals per group per school*

<b>Group</b>	<b>Quantity per 100 per group</b>	<b>12-week Supply at 100% Attendance</b>	<b>12-week Supply at 50% Attendance</b>	<b>12-week Supply at 25% Attendance</b>	<b>Assumptions</b>
<b>Students</b>	100 masks per week	1,200	600	300	1 disposable mask per week per student (to supplement the cloth masks provided by parent/guardian).
<b>Teachers and other staff</b>	500	6,000	3,000	1,500	5 disposable masks per week per teacher.
<b>School nurses and health providers</b>	1,000	12,000	6,000	3,000	10 disposable masks per week per school nurse.

**MATERIALS FOR STAFF MEMBERS WILL WHO MAY BE IN HIGH-INTENSITY  
CONTACT WITH STUDENTS OR HANDLING WASTE MATERIALS**

*Initial recommended quantities calculated per 1 staff  
(e.g. nurses, custodians, and some special education teachers and other staff)*

Item	1-week Supply for 1 Staff	12-week Supply	Assumptions
<b>Disposable Nitrile Gloves</b>	10	120	10 pairs disposable nitrile gloves per week, per staff.
<b>Disposable Gowns</b>	10	120	10 disposable gowns per week, per staff.
<b>Eye Protection</b>	2	n/a	2 re-usable eye protection per staff total.
<b>Face Shields</b>	2	n/a	2 reusable face shields per staff total.
<b>Waste Disposal Medium</b>	1	n/a	1 unit per staff total.
<b>N-95 Ventilating Masks*</b> <i>Note: N-95 masks are recommended <u>only</u> if staff will be in contact with a suspected COVID-19 positive case and/or performing aerosol-generating procedures</i>	10	120	10 N-95 masks per week, per staff.

\*KN-95 Ventilating Masks can be substituted for N-95 masks if they have been tested for filtration effectiveness (MDPH Comprehensive Personal Protective Equipment (PPE) Guidance, May 21, 2020)

**BUILDING SUPPLIES**

Item	1-week Supply for one building	12-week Supply at 100% Attendance	12-week Supply at 50% Attendance	Assumptions
<b>Hand Sanitizer</b>	1/3 gallon/ classroom	4 gallons/ classroom	2 gallons/ classroom	1/3 gallon of hand sanitizer per classroom, per week at 100% attendance.
<b>Disposable Nitrile Gloves</b>	20	240	240	20 disposable nitrile gloves (pair) per week, per custodial staff member at 100% attendance.
<b>Waste Disposal Medium</b>	1	n/a	n/a	1 disposal medium per school building.

These items and volumes are based on current existing federal and state guidance (see links below), with support from DESE's consulting experts.

- <https://www.mass.gov/doc/comprehensive-personal-protective-equipment/download> (download)
- <https://www.mass.gov/doc/eea-covid-19-cleaning-of-restrooms-best-practices-5-18-20/download> (download)
- <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

### **DESE/OSD State Purchasing Assistance**

As we work to integrate our K-12 return to school guidance with the Commonwealth's overall multiphase reopening plan, DESE and the Operational Services Division (OSD) are committed to providing support to districts in their acquisition of required supplies.

**Use of State Contracts:** The Operational Services Division can support K-12 public education purchasing needs by providing guidance and access to OSD's Statewide Contracts (SWCs). To assist in these efforts, a [comprehensive list of vendors](#) (download) and the PPE supplies they sell is posted on [mass.gov](https://www.mass.gov) and the [COMMBUYS homepage](#). The SWC vendors are a great resource for supplies and equipment. Utilizing state contracts is normal business practice for our municipal colleagues, but should questions arise on how to access vendor quotes, DESE and OSD staff are available to provide assistance.

The Operational Services Division will continue its work with SWC vendors to understand their supply chains so they are ready to fulfill supply orders from individual public buying entities. The supplies schools will need continue to be in demand from all sectors, and OSD is taking steps to enable buyers to find stock from one of the many SWC vendors able to provide these products.

The Department and OSD are in the process of setting up other possible forms of acquisition support. This includes the concept of DESE aggregating individual district orders and executing a "Big Buy" order, with districts responsible for paying for their individual order.

More information about how districts can join the Big Buy will be released no later than Wednesday, June 10. If districts do not wish to participate in the Big Buy, we urge you to move forward and place your key supply orders immediately.

**Available Technical Assistance:** The [OSD Help Desk](#) is available to answer questions, help buyers access the SWC vendor list, and advise them on where to find specific products. In addition, Jonna Willis, DESE Procurement Director, is available to support districts with questions. You may contact her at [Jonna.T.Willis@mass.gov](mailto:Jonna.T.Willis@mass.gov).

### **Reference Materials for Supplies Purchasing**

- [List of SWC vendors](#) (*download*) on mass.gov and on COMMBUYS.com. The list identifies SWC vendors that are able to fulfill needed supply orders. The list will be updated weekly.
- Here is a link to [supply guidance](#) to ensure buyers understand the products and their intended uses.





*News from Commissioner Jeffrey C. Riley & the  
MA Department of Elementary and Secondary Education*

## **On the Desktop - June 5, 2020**

### **Required Safety Supplies for Re-Opening Schools**

Dear Superintendents, Charter School Leaders, Assistant Superintendents, Leaders of Special Education Schools, Collaborative Leaders, and Leaders of Private Schools,

With key health metrics continuing to improve in the Commonwealth and the Governor's four-part overall economic reopening plan underway, the attached guidance document is focused on one important aspect of re-opening schools: key safety supplies.

We are issuing this guidance on key safety supplies now so that districts can begin the ordering process for critical items that may be harder to procure and/or have longer potential delivery times. The document provides specific information that will allow districts and schools to make these key safety purchases as soon as possible, and we also detail the support that DESE and partner state agencies can provide to assist you with your acquisition work.

This guidance has been informed by state agency partners, professionals in the preparedness field, and district and school leaders. We will provide updated guidance as needed.

Sincerely,

Jeffrey C. Riley  
Commissioner

**MONOMOY REGIONAL SCHOOL COMMITTEE RESOLUTION:  
COVID-19 STATE FUNDING**

**DATE:** June 25, 2020

**TO:** MA Governor Charlie Baker  
MA Secretary of Education James Peyser  
MA Commissioner of Education Jeffrey Riley  
MA Senate President Karen Spilka  
MA House Speaker Robert DeLeo

**CC:** Senator Julian Cyr  
Representative Sarah K. Peake

---

WHEREAS, if schools are to re-open this fall in the midst of the COVID-19 pandemic, it is the responsibility of each school district to do so safely and responsibly; and

WHEREAS, it is the responsibility of the state to ensure that each school district is able to pay for the enormous additional staffing, transportation and material expenses required to do this; and

WHEREAS, the state cannot expect mandatory COVID-19 safety guidelines to be followed without also ensuring that each school district has the funds required to implement these guidelines; therefore, let it be

RESOLVED: that the state must guarantee every school district full reimbursement for whatever COVID-19 expenses are required to follow state mandates.

We must ensure a statewide school re-opening that is safe, responsible and equitable.

**THERE CAN BE NO UNFUNDED MANDATES FOR COVID-19.**

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Respectfully,  
The Monomoy Regional School Committee

Jackie Zibrat-Long, Chair  
Tina Games, Vice-Chair  
Joseph Auciello  
Meredith Henderson

Terry Rusell  
Nancy Scott  
Jo-anne Sheehan  
Sharon Stout



**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 incident(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.