Holbrook Public Schools

STAFF COMPLAINT PROCEDURES FOR HARASSMENT

1. Any staff member, who believes that he/she has been a victim of harassment, should make a report to the Complaint Officer, Director of Pupil Personnel Services, 781-767-1226. Harassment Complaint Forms are available in each school principal's office and in the central office.

2. Any school employee who observes, overhears or otherwise witnesses harassment or to whom such harassment is reported must take prompt and appropriate action to stop the harassment and prevent its reoccurrence. A report must be made to the school administration (Principal, Assistant Principal). Depending on the severity, the Principal/Assistant Principal will take disciplinary action or refer the case for education or counseling to the School Psychologist/Guidance Department.

Complaint Procedure

Step 1

The complainant will be encouraged to fill out a Harassment Complaint Form. This complaint form shall be kept in a centralized and secure location in the Guidance Office. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior. All oral complaints will be investigated and the office receiving the complaint will promptly send to the complainant a written summary of the complaint to ensure accuracy. If a student under 18 years of age is involved, his/her parents shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interest of the student.

Step 2

A prompt, neutral investigation shall be completed by the Harassment Complaint Officer or Building Principal within 14 calendar days from the date of the complaint or report. The harassment officer shall advise the complaining party and the alleged perpetrator(s) that the investigation shall be as confidential as practicable and that no retaliatory action will be tolerated.

The investigation may consist of personal interviews with the complaining staff member, the alleged harasser and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the Harassment

Complaint Officer should consider the surrounding circumstances, any relevant documents, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, Holbrook Public Schools may take immediate steps, at its discretion, to protect the complaining staff member, alleged harasser, witnesses, students, and school employees pending completion of an investigation of alleged harassment and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, etc. Such steps may include, but are not limited to separating the parties in the workplace or school environment.

The investigation will be completed as soon as practicable, but no later than fourteen (14) calendar days from the complaint or report. The Harassment Complaint Officer shall make a written report to the statement of investigatory steps taken and conclusion as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

Step 3

Following the investigation, the Harassment Complaint Officer shall recommend to the Superintendent and or school principal what action, if any, is required. Holbrook Public Schools shall take appropriate action in all cases where the Harassment Complaint Officer concludes that this policy shall be subject to action including, but not limited to, warning, exclusion, suspension, expulsion, transfer, termination, discharge or any other remedial action, including but not limited to, training, education, or counseling. The complainant may be made whole by restitution of lost employment benefits or educational opportunities. Action taken for violation of this policy shall be consistent with the requirements of any applicable collective bargaining agreement, School committee policy, state and federal law including, but not limited to, the due process protections for individuals with disabilities will apply.

Step 4

The complaining staff member and the alleged harasser shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken. The Superintendent and/or school principal shall receive and maintain the written report of the investigation and results submitted to them by the

Harassment Complaint Officer in his/her office. In the case of an investigation conducted by the school district, the Superintendent shall receive a copy of the investigation report and results. If the harassment complaint official concludes that the policy has been violated by a professional educator or administrator, a report of the findings shall be filed with the Department of Education.

Confidentiality

Holbrook Public Schools recognizes that both the complaining staff member and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining staff member, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as practicable, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

ALTERNATIVE COMPLAINT PROCEDURES

In addition to, or instead of, filing a discrimination complaint through this policy, a person may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit.

Civil Rights Violations Agencies

Massachusetts Department of Education (DOE)
350 Main Street
Malden, MA 02148
781-388-3000

The state DOE's Problem Resolution System allows students, parents and others to file a complaint if they believe they have been harassed or discriminated against.

Massachusetts Office of the Attorney General, Civil Rights Division
One Ashburton Place
Boston, MA 02108
617-727-2200

The Attorney General's Civil Rights Division reviews complaints of harassment, intimidation and discrimination in schools and determines appropriate legal action, including obtaining a restraining order.

United States Department of Education, Office for Civil Rights
John W. McCormack Building
Post Office and Court House, Room 701
Boston, MA 02109

The Office of Civil Rights receives and investigates complaints of discrimination and harassment.

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
617-727-3990 or 413-739-2145

The MCAD investigates complaints about discrimination in any public school program or course of study. Filing must occur within 6 months of the alleged discriminatory educational practice or harassment incident.

Massachusetts Department of Social Services (DSS)
1-800-KIDS-508: Statewide Child Abuse/Neglect Reporting Line
1-800-792-5200: Child at Risk Hotline/evenings, nights and weekends

DSS investigates reports involving a student under 18 years old who suffers physical or emotional injury from abuse (including sexual abuse) or severe neglect (including malnutrition).

United States Department of Justice
Community Relations Service (CRS)
99 Summer Street, Suite 1820
Boston, MA 02110
617-424-5715

CRS is a specialized federal conciliation service that assists school districts to manage and prevent racial and ethnic conflicts and disruptions in schools.

SOURCE: Holbrook Public Schools Civil Rights Training Packet

CROSS REF: ACAA/ACAB Harassment
JICFB Bullying
JICFC Student to Student Harassment

Adopted: March 19, 2008

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