FILE: ACAAB

Holbrook Public Schools

STUDENT COMPLAINT PROCEDURE FOR HARASSMENT

1. Any student, who believes that he/she has been harassed by another student, should report the incident to the Principal, Guidance Department or any staff member. In the case of student-to-student harassment, it is the belief of the Holbrook Public Schools that education is the first step in resolving harassment complaints.

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

Student-to-Student Education Procedure

The complainant meets with the Guidance Counselor. The student is given the opportunity to met with the alleged harasser face-to-face or, if that is not desirable or possible, to write a letter to the alleged harasser. The conversation or the letter should include the following:

1. An exact description of the behavior, including when and where it occurred:
2. A description of how the behavior made the victim feel – embarrassed, intimidated, angry, etc.:
3. A request that the behavior stop because it is harassment and is against the law; and
4. An agreement that if the behavior stops, nothing further will be said and no further action will be taken.

The Guidance Counselor will meet with the accused to discuss and resolve the issue either with the complainant or by going over the letter. A statement of resolution will be signed. The Guidance Counselor will document the complaint, the meeting and resolution. This documentation shall be kept in the Guidance Office. Within a reasonable time following this meeting, the Guidance Counselor will meet with the complainant to confirm resolution of the situation.

In cases where the harassment is determined to be severe, persistent, when there is retaliatory behavior or when it is not resolved through the above procedure, the situation will be referred to the administration (Principal, Assistant Principal) for disciplinary action.

In cases where the complainant is not satisfied with the outcome, the student has the option of filing a Harassment Complaint form with 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.

Complaint Procedure

When harassment reports are filed with the Harassment Complaint Officer, or the Guidance Counselor, the complaint procedure is as follows:

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 Building Principal 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. 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 student 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.

Confidentiality

Holbrook Public Schools recognizes that both the complaining student and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student, 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 REFS: ACAA/ACAB Harassment
JICFB Bullying
JICFC Student to Student Harassment

Adopted: March 19, 2008

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