

DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURES

The North Middlesex Regional School District is committed to maintaining a school environment free of harassment in accordance with the District's nondiscrimination policy (AC). Harassment by administrators, teachers, certified and support personnel, students, vendors, and other individuals at school or school-sponsored events is unlawful and strictly prohibited. The North Middlesex Regional School District requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students, and all members of the school community.

Definitions

For the purposes of this procedure:

- A. A "complaint" is defined as an allegation that a student or employee has been discriminated against or harassed in accordance with the District's nondiscrimination policy (AC).
- B. "Discrimination" means discrimination or harassment in accordance with the District's nondiscrimination policy (AC) by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school.
- C. "Harassment" means unwelcome conduct in accordance with the District's nondiscrimination policy (AC) that is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Harassment may include insults, name-calling, off-color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which rises to the level of a hostile environment.
- D. "Sexual Harassment" means unwelcome, sexually offensive or gender-based conduct which is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Additionally, under M.G.L. c. 151C, § 1, the term "sexual harassment" may also include, but is not limited to, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:— (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have

the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment. When determining whether an environment is hostile, the school district examines the context, nature, frequency, and location of the sexual or gender-based incidents, as well as the identity, number and relationships of the persons involved. The school district must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the alleged victim, and under similar circumstances.

Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the North Middlesex Regional School District.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

How to Make a Complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal. If the school principal receives the report, he or she will notify the Civil Rights Coordinator of the complaint. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.

District staff is expected to report possible incidents of discrimination or harassment of students and fellow employees. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students or employees which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school

but possibly create a hostile environment for a student or employee while he/she is at school.

Students and employees will not be retaliated against for making a complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

Students and employees are encouraged to utilize the District's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to:

The United States Department of Education
Office for Civil Rights
5 Post Office Square, 8th Floor
Boston, Massachusetts 02110-1491
Telephone: (617) 289-0111
Fax: 617-289-0150
TDD: 877-521-2172

Or

Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148-4906
Telephone: 781-338-3700
TTY: N.E.T. Relay: 1-800-439-2370
FAX: 781-338-3710

Complaint Handling and Investigation

- A. The school principal shall promptly inform the relevant Civil Rights Coordinator and the person(s) who is the subject of the complaint that a complaint has been received.
- B. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution of the complaint with the agreement of the parties involved. Informal resolution is optional, and the Complainant may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.
- C. Under the formal resolution procedure, the complaint will be investigated by the school principal or other individuals designated by the school principal or Civil Rights Coordinator.

D. 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. Any complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the complaint.

1. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.
2. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
3. The privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
4. The investigator will keep a written record of the investigation process.
5. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
6. The investigation and the notification of the outcome to the Complainant and the subject of the complaint shall be completed within fifteen (15) school days of the date of the receipt of the complaint.
7. The investigator may extend the investigation period beyond fifteen (15) school days because of extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If the investigator extends the investigation, he or she will notify the Complainant of the extension.
8. If a complaint or report of discrimination or harassment is received after June 1 of a given school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant of

the extension and make reasonable efforts to interview the witnesses during the summer vacation period.

9. Nothing in this procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the fifteen (15) school days described above.
- E. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, which may include but is not limited to: determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and informing the Complainant and the person(s) who was the subject of the complaint of the results of the investigation (in accordance with applicable state and federal privacy laws) within fifteen (15) school days of receipt of the complaint or the notice of the outcome of the complaint, unless the investigation is extended under the provision described above.
- F. This notice of the outcome of the investigation must inform the Complainant as to whether or not the investigation determined that the conduct occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the perpetrator that directly relate to the Complainant (e.g., stay away order or no contact order), and other steps the school has taken to eliminate the hostile environment, if one has been found to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant (e.g., counseling; alternative classes, etc.).
- G. If the Complainant or the student's parents/legal guardians are dissatisfied with the results of the investigation, an appeal may be made to the appropriate Civil Rights Coordinator within ten (10) school days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The Civil Rights Coordinator shall review the investigation and may conduct further investigation if deemed appropriate. Within five (5) school days of receipt of any such appeal, the Civil Rights Coordinator shall decide

whether or not to reopen the investigation, uphold the principal or designee's determination, or reverse the principal or designee's determination. The Civil Rights Coordinator shall provide written notification of that determination to both the Complainant and the accused. The Civil Rights Coordinator's decision shall be final, subject to further appeal to the Superintendent.

H. If the employee or the student's parents or legal guardians are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent within seven (7) calendar days after receiving notice of the Civil Rights Coordinator's decision. The Superintendent will consider the appeal. The Superintendent's decision shall be final.

The name of the District's Civil Rights Coordinator is listed on the District's website as well as in student handbooks.

Adopted by the NMRSD School Committee:

NMRSD Adoption: 4/6/2015

Five-Year Review Cycle: 10/20/2021

Informational Review: 12/20/2021

NMRSD First Vote:

NMRSD Adoption:
