

# **GREATER LOWELL TECHNICAL HIGH SCHOOL POLICY ON HARASSMENT AND NONDISCRIMINATION**

## **PURPOSE:**

Greater Lowell Technical High School (“the District”) is committed to maintaining an educational and working environment that is safe, supportive and free from discrimination on the basis of race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics in accordance with appropriate Federal and State laws.

## **POLICY:**

The District’s policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business. It is the policy of the District not to discriminate or exclude any person in any express or implied manner, admission to, access to, treatment in, or employment in its services, programs, and activities on the basis of race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, criminal record, veterans status or genetics.

It will be a violation of this policy for any student, district employee, or third party, based on a student’s, employee’s, or third party’s actual or perceived race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics, to: harass, to inflict or threaten to inflict violence, or discriminate against a student, employee, or third party

Harassment and discrimination of students, employees or third parties, occurring in school or in other settings in which students and employees may find themselves in conjunction with their education or employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about harassment or discrimination, or any retaliation against an individual for cooperating with an investigation of harassment or discrimination is similarly unlawful and will not be tolerated.

Because the School District takes allegations of harassment and discrimination seriously, we will respond promptly to complaints of harassment and discrimination and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective actions as is necessary, including disciplinary action up to and including termination of employment or dismissal of a student from the District where appropriate.

Please note that while this policy sets forth our commitment to maintain an educational and working environment that is free of harassment and discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct or student conduct we deem is unacceptable, regardless of whether that conduct satisfies the definition of harassment or discrimination.

## **DEFINITIONS:**

### **Discrimination:**

- Unlawful discrimination means an adverse decision made against a person for reasons related to their actual or perceived race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics, or past involvement in a discrimination complaint.

### **Harassment:**

- Harassment is a form of unlawful discrimination when the verbal or physical conduct that denigrates or shows hostility or aversion toward an individual is based on his or her actual or perceived race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics past involvement in a discrimination. Harassment has the purpose or effect of unreasonably interfering with an individual's work or academic performance or otherwise adversely affecting an individual's employment or student's opportunities for learning. Harassment may take the form of epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts. It may also take the form of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics
- All employees and students should take special note that retaliation against an individual who has complained about harassment or discrimination, and/or retaliation against individuals for cooperating with an investigation of harassment or discrimination complaint is unlawful and will not be tolerated.

### **COMPLAINTS OF HARASSMENT OR DISCRIMINATION-GRIEVANCE PROCEDURE.**

The following grievance procedures relate to all complaints except those that are explicitly addressed under the District's Title IX-Sexual Harassment Policy. Please refer to the District's **POLICY ON TITLE IX-SEXUAL HARASSMENT** for Title IX complaints.

- If any student believes that he or she has been the subject of harassment or discrimination based on race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics, the student is encouraged to immediately report the conduct to a faculty member who will refer the matter to the

Director of School Counseling /Title IX Coordinator, Tracy Encarnacao ext. 4955, third floor, School Counseling Department. The student may also report directly to the School Counseling Department with their complaint. This may be done in writing or orally.

If any employee believes that he or she has been subjected to harassment or discrimination based on race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veterans status or genetics, the employee has the right to file a complaint with the Human Resource Director, Jeff Carlson, ext. 4892, first floor. This may be done in writing or orally.

These persons are available to discuss any concerns you may have and to provide information to you about our policy and complaint process.

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.

### **Harassment and Discrimination Investigation**

Greater Lowell Technical High School has informal and formal procedures for employees and students who believe they have experienced or are experiencing unlawful discrimination or harassment in the school or at any school sponsored activity or event. When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. To that end, the School District will attempt to complete the informal and formal investigation of complaints within 30 working days. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment or discrimination. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

The informal process, set forth below, offers a way for individuals to resolve their concerns without initiating an extensive investigation. If the informal process fails to bring about a satisfactory resolution for the individual bringing the complaint or when the informal process is not appropriate for resolving a particular complaint, then the formal process is available. The formal process, set forth below, also is available without having pursued some type of informal resolution of a complaint.

The School District imposes no deadline for reporting allegations of unlawful discrimination or harassment. However, to ensure that memories are fresh and to provide an opportunity for the alleged harasser to adequately respond, it is strongly recommended that complaints be reported within 60 days after an incident has occurred or a pattern of unlawful discrimination or harassment has become apparent. If there is any fear or threat of imminent physical danger, then the complaint should be reported immediately.

If an investigation confirms that inappropriate conduct has occurred, the School will take prompt corrective action to eliminate the offending conduct, and where appropriate we will impose disciplinary action up to and including immediate dismissal or termination of employment.

Informal:

The School District's informal process is one option available to members of the School District to resolve complaints. The first step in the process is reporting the behavior as soon as possible. While some situations may be appropriately resolved through informal means, others may require immediate action and will be resolved only through the formal process. For example, in instances of imminent danger or in which there arise concerns about safety, it is unlikely that informal resolution would be appropriate.

**Step 1:** Students should talk with a faculty member, a member of the School Counseling Department or the Director of School Counseling/Title IX Coordinator, Tracy Encarnacao at (978) 441-4955. The staff member hearing the complaint will immediately report it to the Director of School Counseling. The School Counseling Department is located on the third floor of the School. Employees should talk with the Human Resource Director at (978) 441-4892 located on the first floor.

**Step 2:** The Director of School Counseling and/or Human Resource Director shall make every effort to resolve the matter informally. For example, informal resolution may take the form of separate meetings with the individual bringing the complaint and with the person against whom the complaint is brought; a three-way meeting with the complainant and the person against whom the complaint is brought, a meeting with the appropriate administrators, or some other mutually agreeable course of action to resolve the complaint.

**Step 3:** Should the matter not be resolved to the satisfaction of the student or employee bringing the complaint, the employee or student may request that a formal investigation be initiated.

If the matter is resolved using the informal process, the investigating administrator shall retain a written confidential record of the informal process.

Formal

**Step 1:** A student who wishes to initiate a formal complaint should report his or her concerns to the Director of School Counseling /Title IX Coordinator, Tracy Encarnacao, or her designee.

An employee who wishes to initiate a formal complaint should report his or her concerns to the Human Resource Director, Jeff Carlson.

Upon receipt of an oral or written complaint by any of the designated administrators the Superintendent-Director shall be notified. Once the formal complaint process is initiated, the

employee or student will be asked to prepare a written statement of his or her allegations. This written statement shall serve as the basis for the investigation of the complaint.

**Step 2:** The Investigating Administrator shall meet with the employee or student bringing the complaint to explain the formal complaint process, to answer any questions that the employee may have, and then shall interview him or her about the allegations contained in her or his written statement.

**Step 3:** The Investigating Administrator shall notify the person against whom the complaint is filed of the complaint and meet with him or her to discuss the matter. At this meeting, the Investigating Administrator shall provide him or her with a copy of the written statement and review the procedures of the formal process. The person against whom the complaint is made may then have ten (10) business days from the date of this meeting to submit to the Investigating Administrator a written response to the charges.

**Step 4:** After reviewing the charges and the response and meeting with both parties, the Investigating Administrator shall determine whether there is reasonable, credible evidence to support the allegation(s). If necessary, the Investigating Administrator may confer again with either or both parties and may interview others who may have relevant information. The Investigating Administrator shall also review any materials and documents, which may be relevant to the complaint. The Investigating Administrator reserves the right to determine who shall be interviewed and the number of interviews necessary to make the necessary findings and recommendations.

**Step 5:** After the Investigating Administrator has completed his or her investigation, he or she shall prepare a written report. The report shall be submitted to the Superintendent-Director and shall include the Investigating Administrator's findings as well as his or her recommendations for disciplinary and/or remedial action (if necessary and appropriate).

**Step 6:** The Superintendent-Director shall review the Investigating Administrator's report and may conduct such further investigation of the facts as she or he deems appropriate. If there is reasonable credible evidence to support the allegation(s) and if the perpetrator of the unlawful discrimination or harassment is a Greater Lowell Technical High School student, then the Superintendent-Director shall determine the sanction to be imposed in consultation with the Assistant Superintendent-Principal. The sanction imposed shall be in accord with all applicable state statutes, School District rules, policies, and regulations pertaining to students.

If there is reasonable credible evidence to support the allegation(s) and if the perpetrator of the unlawful discrimination or harassment is a vendor, contractor, service person, or anyone else who has a recognized connection with the School District, then the Superintendent-Director or his or her designee shall take all reasonable and necessary steps to end the harassing behavior.

A permanent, confidential written record of the formal complaint process shall be retained by the Superintendent and the Investigating Administrator.

If the complainant or the student's parents/legal guardians are dissatisfied with the decision of the Superintendent-Director, the grievant may appeal the decision to the full School Committee. 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 request for said hearing shall be made not later than five (5) days after receipt of the Superintendent-Director's written decision on the complaint. The review hearing will be held within fourteen (14) days after receipt of written request from the aggrieved

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees or students, we will take action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or dismissal from school, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

### **Conflict of Interest**

If at any time during an investigation of a complaint of harassment or discrimination, the Investigating Administrator believes that he or she can no longer investigate a complaint in an appropriate and impartial manner, he or she may ask that a new Investigating Administrator be appointed.

Also, if the Superintendent-Director has grounds to believe that the Investigating Administrator may no longer be able to conduct the investigation in a proper and impartial manner, he or she may appoint another to investigate the complaint. In addition, the Superintendent-Director shall have the authority to designate a third party, including legal counsel, to investigate a complaint of harassment and discrimination and report his or her findings to the Superintendent-Director.

### **Cooperating With An Investigation**

It is expected that, at the request of the School District, employees and students will cooperate fully in the investigation of a complaint of harassment and discrimination. Employees are expected to do all that they can to prevent and discourage harassment and discrimination from occurring.

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

Some alleged conduct may constitute both a violation of the District's policies and criminal activity. The Assistant Superintendent-Principal, Superintendent-Director or designee, will refer matters to law enforcement or other agencies as appropriate under the law or District policy.

## State and Federal Remedies

In addition to the above, if you believe you have been subjected to harassment or discrimination, you may file a formal complaint with the federal and/or state agency listed below that enforces the anti-discrimination law that protects your rights. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short period for filing a claim: 300 days with the MCAD and/or 180 days with the EEOC. This 180 day filing deadline is extended if the charge is also covered by state law.

US Equal Employment Opportunity Commission (EEOC- Employment claims only)  
One Congress Street  
Boston, MA 02114  
(617) 565-3200

U.S. Department of Education, Office for Civil Rights, Region 1  
33 Arch Street  
Boston, MA 02110-1491  
(617) 289-0111  
*Time limit to file: 180 days*

Massachusetts Commission Against Discrimination (MCAD).

Boston Office:  
One Ashburton Place  
Boston, MA 02108  
(617) 994-6000

Springfield Office:  
424 Dwight Street  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
22 Front Street  
Worcester, MA 01641  
(508) 799-6379

## NONDISCRIMINATION POLICY & GRIEVANCE PROCEDURE

Title VI Civil Rights Act of 1964, Title VII Civil Rights Act as amended,

It is the policy of the District not to discriminate or exclude any person in any express or implied manner, admission to, access to, treatment in, or employment in its services, programs, and activities on the basis of race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, criminal record, veterans status or genetics

It will be a violation of this policy for any student, district employee, or third party, based on a student's, employee's, or third party's actual or perceived race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, veteran status or genetics, to: harass, to inflict or threaten to inflict violence, or discriminate against a student, employee, or third party

The District will continue to ensure fair and equitable educational and employment opportunities, without regard to race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, parenting status, criminal record, veteran status or genetics to all its students and employees. If you believe that you or someone else has been harassed or discriminated against on the basis of sex, please refer to GREATER LOWELL TECHNICAL HIGH SCHOOL POLICY ON TITLE IX-SEXUAL HARASSMENT which includes the grievance procedure. If you believe that you or someone else has been harassed or discriminated against on the basis of protected status other than sex, please refer to GREATER LOWELL TECHNICAL HIGH SCHOOL POLICY ON HARASSMENT AND NONDISCRIMINATION which includes the grievance procedure.

A copy of the policy including grievance procedure is available in other languages at the office of the Director of School Counseling Services (Title VI and Title IX Coordinator) at the Greater Lowell Technical High School, 250 Pawtucket Boulevard, Tyngsboro, Massachusetts 01879, Telephone: (978) 441-4955.

Additional reference: Equal Pay Act, Rehabilitation Act of 1973, American's with Disabilities Act,