

# **Newton Public Schools**

## **Title IX Grievance Protocol and Procedure**

### **Introduction**

New Title IX regulations, issued by the Secretary of Education and take effect on August 1, 2024, amends the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The final regulations specify how recipients of Federal financial assistance covered by Title IX, including elementary and secondary schools, must respond to allegations of sex-based discrimination and sex-based harassment, including sexual harassment, consistent with Title IX's prohibition against sex discrimination. The revised regulations are intended to **expand the scope of Title IX protections and grievance process beyond only allegations of sexual harassment to include sex-based discrimination and sex-based harassment, which now includes discrimination or harassment based upon gender identity and sexual orientation and now may extend conduct beyond the school property.**

The revised regulations impose **more precise training obligations, clarify privacy protections, formalize a definition of prohibited retaliation, and further aim to provide flexibility by allowing Districts to use a single-investigator model, with limited exceptions involving sexual harassment allegations by a student against staff member.** Finally, the revised regulations **increase the District's obligations to students and employees based on pregnancy and pregnancy related conditions<sup>1</sup>, and place additional responsibility on the District when allegations involve students with disabilities.**

Newton Public Schools has adopted this Protocol and Grievance Procedure to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Newton Public Schools takes all forms of discrimination and harassment seriously and allegations of sex-based discrimination and harassment which do not fall within the scope of Title IX, but are nonetheless prohibited by state and federal laws, and the District's [Nondiscrimination Policy including Harassment and Retaliation](#) will be addressed through the District's Non-Discrimination Protocol, located on the District's [Policies, Procedures & Protocols](#) page.

<sup>1</sup>For matters involving pregnancy and related conditions of students or staff, refer to the Title IX Protocol and Procedures for Pregnancy and Related Conditions for reporting and other District responsibilities on the District's [Title IX Page](#).

## **Policy Statement**

The Newton Public Schools does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

## **Definitions**

Under Title IX, discrimination on the basis of sex (or sex discrimination) includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The following definitions apply:

“Complainant” means:

- 1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- 2) A person *other than* a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

“Complaint” means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations.

“Disciplinary sanctions” means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District’s prohibition on sex discrimination.

“Party” means a complainant or respondent.

“Relevant” means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

“Remedies” means measures provided, as appropriate, to a complainant or any person the District identifies as having had their equal access to the District’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the District’s education program or activity after the District determines that sex discrimination occurred.

“Respondent” means a person who is alleged to have violated the District’s prohibition on sex discrimination.

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or other proceeding under the Title IX regulations.

“Sex-based harassment”<sup>2</sup> is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- 1) *Quid pro quo harassment*: An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome conduct;
- 2) *Hostile environment harassment*: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the District’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a) The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
  - b) The type, frequency, and duration of the conduct;
  - c) The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d) The location of the conduct and the context in which the conduct occurred; and
  - e) Other sex-based harassment in the District's education program or activity.

- 3) *Specific Offenses*:

<sup>2</sup>Allegations of conduct that do not meet the definition of sex-based discrimination, including sex-based harassment under Title IX may still constitute sex-based discrimination or harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), or otherwise violate the District’s [Nondiscrimination Policy including Harassment and Retaliation](#) will be addressed through the District’s Nondiscrimination Protocol.

- a) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- b) Dating violence meaning violence committed by a person:
  - i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship;
    - The type of relationship; and
    - The frequency of interaction between the persons involved in the relationship;
- c) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
  - i) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;
  - ii) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - iii) Shares a child in common with the victim; or
  - iv) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- d) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i) Fear for the person's safety or the safety of others; or
  - ii) Suffer substantial emotional distress

“Supportive measures” means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- 1) Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or

- 2) Provide support during the District's grievance procedures or during an informal resolution process.

### **Application**

Newton Public Schools' obligation to respond under Title IX requires the District to be aware of discrimination on the basis of sex, including sex-based harassment. **The District has notice when an allegation is made known to any District employee.** The District must treat seriously all reports of sex-based discrimination, including sex-based harassment, that reasonably may constitute sex discrimination under Title IX, and meet the conditions of notice and jurisdiction, **whether or not the complainant files a complaint.**

Title IX, implementing regulations and this Grievance Protocol and Procedure applies to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such program or activity is conducted on or off school grounds. Additionally, the District has an obligation to address allegations of a sex-based hostile environment under its program or activity, **even when some conduct alleged to be contributing to the hostile environment occurred outside of the District's program or activity or outside of the United States.** The District's education program or activity includes locations, events, or circumstances in which the District exercises substantial control over both the respondent and the context in which alleged conduct occurred.

### **Complaints and Reports of Sex-Based Discrimination**

#### Title IX Coordinators

Information about conduct that may constitute sex discrimination under Title IX may be reported to any NPS employee or directly to the District's Title IX Coordinators. The District's Title IX Coordinators are:

Eva Thompson  
100 Walnut Street, Newton, MA 02460  
617-559-6053  
thompsons@newton.k12.ma.us

For complaints concerning **staff**:  
Joany Santa  
Director of Human Resources  
100 Walnut Street, Newton, MA 02460  
617-559-6005  
santaj@newton.k12.ma.us

The District's Title IX Coordinators may delegate specific duties to one or more designees as the

Title IX Coordinator finds appropriate.

### Reporting Obligation

All employees must notify the building principal or administrator or the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX. A building principal or administrator must then report such information to the Title IX Coordinator for appropriate action.

### Initiating a Complaint

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

- 1) A "Complainant," which includes:
  - a) a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b) a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
- 2) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- 3) the District's Title IX Coordinator

**Note** that a person is entitled to make a complaint of sex-based harassment **only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint** consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination *other than* sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- 1) Any student or employee of the District; or
- 2) Any person other than a student or employee who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

When a Title IX Coordinator is notified of conduct that may reasonably constitute sex discrimination under Title IX (and in the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution

process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required by Title IX. The Title IX Coordinator will file a Complaint if the Title IX Coordinator determines that the conduct as alleged **presents an imminent and serious threat to the health or safety of the complainant or other person**, or that **the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity**. The following factors go into the decision by the Title IX Coordinator:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the District;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

### Consolidation of Complaints

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. The District cannot consolidate multiple complaints if doing so would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA if the District obtains prior written consent from the parents or eligible students to the disclosure of their education records.

### Responding to Complaints

- 1) Supportive Measures: The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent **to restore or preserve that person's access to the District's education program or activity or provide support** during the District's Title IX Grievance Procedures or during the informal resolution process. A

respondent will be offered supportive measures if the District has initiated a Title IX complaint or if the District has offered informal resolution. If the Title IX Coordinator is initiating the complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

*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.

If the complainant or respondent is **a student with a disability**, the Title IX Coordinator will consult with one or more members, as appropriate, of the student's IEP or 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures, informal resolution, and/or throughout the grievance procedure.

The Title IX Coordinator will document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. 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 District to provide the supportive measures.

- 2) Informal Resolution: In lieu of resolving a complaint through the District's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties. Prior to beginning informal resolution, the Title IX Coordinator will send notice to the parties of the process and their rights.

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures at any step in the process of making their complaint, including prior to filing one.

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 thirty (30) school days after receiving the



allegations, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

- 3) Dismissal of a Complaint: The District may dismiss a Title IX complaint of sex discrimination or harassment if:
- a) The District is unable to identify the respondent after taking reasonable steps to do so;
  - b) The respondent is not participating in the District's education program or activity and is not employed by the District;
  - c) The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
  - d) The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the District will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the District will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

## **Grievance Procedures**

### **In general**

During the grievance process, the District will treat complainants and respondents equally, and will provide for adequate, reliable, and impartial investigation of complaints. The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

### **Timelines**

The District has established the following timelines for the major stages of the grievance procedures:

- 1) Within five (5) school days, the District will decide whether to dismiss or investigate a complaint.
- 2) Within sixty (60) school days, the District will investigate and decide on the complaint.
- 3) The parties will have ten (10) school days to appeal a decision from the decision-maker or of a decision to dismiss the complaint. The District will decide an appeal within thirty (30) calendar days of receiving an appeal.

The District will provide all parties with a reasonable extension of timelines on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. If a party is seeking an extension, they should request an extension from the Title IX Coordinator in writing, explaining the reasons for the requested extension. The Title IX Coordinator will rule on the extension in writing to all parties. If the District requires an extension for good cause, it will notify all the parties of the reasons.

### Privacy

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

### Step-by-Step

#### 1) Initial Consultation with the Title IX Coordinator

Upon receiving a report or other notice of alleged sex-based discrimination, the Title IX Coordinator must contact the complainant within five (5) school days, 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 complaint;
- Determine whether the complainant wishes to file a complaint; and
- Explain to the complainant the purpose of filing a complaint.

#### 2) Notice of Allegations

Upon initiation of the District's Title IX grievance procedures through the filing of a Complaint, the Title IX will notify the parties in writing of the following:

- the District’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations.

3) Assignment of Investigator

The District uses a single investigator model for Title IX investigations. This individual is referred to hereinafter as the “Investigator.” The Title IX Coordinator will use the following table as a guide for assigning the Investigator in each case.

Complainant	Respondent	Investigator
Student(s)	Student(s)	Principal, Asst. Principal, or Dean
Non-Student(s), NPS Staff	Student(s)	Principal, Asst. Principal, or Dean
Student(s)	Non-Student(s), NPS Staff	Principal, Building/Program Administrator or Designee, and if necessary, in consultation with Asst. Supt. for Student Services, or Director of HR
Non-Student(s), NPS Staff (building level)	Non-Student(s), NPS Staff (building level)	Principal, Building/Program Administrator or Designee, Asst. Supt(s); Director of HR; Supt.
Non-Student(s), NPS Staff	Non-Student(s), NPS Staff	City of Newton Law

(Central Office)	(Central Office)	Department Appointee or contracted outside counsel
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#### 4) Gathering the Evidence

The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The Investigator will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the Investigator to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### 5) Questioning the Parties and Witnesses

The Investigator will question parties and witnesses to adequately assess a party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The Investigator will question witnesses and parties directly to make this determination.

#### 6) Evaluating the Evidence

The Investigator will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

#### 7) *Inspection of the Evidence*

Prior to making a determination, the Investigator will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Provide each party with an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of this evidence (note: if providing a description of the evidence, the parties shall have an equal opportunity to access the relevant and not otherwise impermissible evidence);
- Provide each party with a reasonable opportunity to respond to the evidence; and
- the District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

#### 8) *Decision Making*

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Investigator will use the preponderance of the evidence standard of proof<sup>3</sup> to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness.

If the Investigator is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Investigator will not determine that sex discrimination occurred.

Once the Investigator has made a determination of responsibility, they will:

- Simultaneously notify the Parties in writing of the determination whether sex

<sup>3</sup>Preponderance of the evidence means the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by the evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. Black's Law Dictionary 1301 (9th ed. 2009).

discrimination occurred under Title IX, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;

- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- Notify the Title IX Coordinator in writing of the determination.

**If there is a determination that sex discrimination occurred**, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

**Following a determination that sex-based harassment occurred**, the District may impose disciplinary sanctions, which may include revocation of privileges, detentions, suspensions or expulsions. The District may also provide remedies, which may include supportive measures, counseling, stay away orders, class switches or any additional measures that are appropriate.

**After the grievance process**, the District may as appropriate, modify or terminate supportive measures. If the District does so, it will provide the parties to timely seek from an appropriate and impartial employee, modification or reversal of the District's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee will be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The District will also provide a party with the opportunity to seek

additional modification or termination of a supportive measure applicable to them if circumstances change materially.

**Finally, these procedures do not limit the District** from removing a student or employee from its program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the IDEA, Section 504, or the ADA.

These procedures do not limit the District from placing an employee respondent on administrative leave from employment responsibilities during the pendency of this Grievance Procedure. This provision must not be construed to modify any rights under Section 504 or the ADA.

### **Appeals**

The parties have the right to appeal the decision of the Investigator to the Superintendent in writing within ten (10) school days of receiving the written determination from the Investigator. Upon receipt of a timely appeal, the Superintendent (or designee) will offer the non-moving party an opportunity to respond in writing to the appeal. The superintendent (or designee) must send a written decision to the parties simultaneously, within 30 calendar days of receiving the appeal.

### **Retaliation Prohibited**

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.

### **Additional Provisions**

#### **Record Keeping**

A record will be maintained for a period of seven (7) years of any actions, including supportive measures, grievance procedures or informal resolution, taken in response to a report or complaint of conduct that reasonably may constitute sex discrimination under Title IX, and any resulting outcome.



### 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.

Police involvement in situations that involve students of the Newton Public Schools is governed by the “Memorandum of Understanding Between Newton Public Schools and Newton Police Department” (“MOU”). This [MOU](#) is meant to promote a safe and nurturing environment in the school community. This joint effort will focus on incidents that take place on school property, at school-related activities, and at other locations in which students of the Newton Public Schools are involved or affected.

### Training

All employees will be trained annually and upon hire on:

- the District’s obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination, including the definition of sex-based harassment; and
- All applicable notice and information requirements.

All investigators, facilitators of informal resolution, and other persons responsible for supportive measures/Title IX process will have additional training on:

- The District’s grievance procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance; and
- rules and practices associated with the district’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

### **External options available at any time**

Any student, parent 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

*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  
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