Civil Rights Grievance Procedure

(Does not apply to complaints of sex discrimination or sex-based harassment)

The North Reading Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, ancestry, national origin, age, or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors, and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Procedure is unlawful and will not be tolerated by the North Reading Public Schools.

Persons who engage in harassment, discrimination 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 district administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Sex Discrimination and Sex-Based Harassment) Allegations

The *Civil Rights Grievance Procedure* shall not apply to reports of sex-based harassment or sex discrimination as defined under Title IX of the Education Amendment of 1972 and its implementing regulations ("Title IX") effective August of 2024.

Allegations of conduct that could, if proven, meet the definition of sex discrimination under Title IX, or the definition(s) of sex-based harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students) shall be addressed through the District's *Title IX Sexual Discrimination Grievance Procedure*.

https://www.north-reading.k12.ma.us/district/pages/title-ix

<u>Definitions</u>

For the purposes of this Procedure:

A. "Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, disability, or religion 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 district.

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent, or pervasive to create or contribute to 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. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The 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 Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under this Procedure.

D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

E. Party or Parties: The Complainant and/or Respondent.

F. Principal: The Principal or Principal's designee.

G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

<u>How to make a complaint</u>

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal or Civil Rights Coordinator. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. A complaint will not be dismissed because it was reported to the incorrect

school personnel. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where a third party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the "reporter."

A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or to the Superintendent's designee for such purposes.

B. Informal Reports: Individuals may wish to report discrimination, harassment, or retaliation informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.

C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against a Respondent.

D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after a formal complaint or an informal report, in a prompt, fair and adequate manner, and with the consent of the Complainant and Respondent, through an informal process, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct and any witnesses to the conduct complained of. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, even in the absence of a formal complaint, or after a formal complaint has been withdrawn.

F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute discrimination, harassment or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. *See* Section G.

G. Interim Supportive Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and/or the school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim supportive measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of any restrictions imposed by interim supportive measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.

H. Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and to provide written notice of the outcome of the investigation to the parties within twenty-five (25) school days after receipt of the complaint. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified in this Paragraph due to 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 a complaint or report of discrimination, harassment, or retaliation is received within twenty-five (25) school days of the end of the academic 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 the school year, 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, the investigator will provide written notice of the extension to the Complainant and Respondent. A report to law enforcement, or an ongoing law enforcement investigation, will not automatically delay an investigation nor extend the applicable timelines set forth in this Grievance Procedure. A request from law enforcement authorities to delay the District's investigation may, however, require a temporary suspension of an investigation. Under such circumstances, the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed. Any interim supportive measures provided to the parties may continue during the period of postponement. *See* Section G.

I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:

    1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
    2. The Respondent shall 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 the parties 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 investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
    6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.

7. Nothing in this Procedure will preclude the investigator, in their discretion, from completing the investigation sooner than the time period described above.

J. Standard of Proof: The investigation shall make factual findings and determinations based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment, or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent or, in the case of minor children, the parties' parent(s)/legal guardian(s), of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines. The notification will include the notice of the opportunity for appeal.

The school or District administration may also refer the offender for disciplinary proceedings to be conducted in accordance with federal and state law. Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable. When informing the parties' parent(s)/legal guardian(s) about the results of the investigation, the school district may consider appropriate notification processes when special circumstances may apply (e.g., disclosure of sexual orientation or gender identity/expression).

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to

Patrick C. Daly
Superintendent, North Reading Public Schools

189 Park Street
North Reading, MA 01864
pdaly@nrpsk12.org

The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinators for complaints of discrimination, harassment, and retaliation under this Procedure is:

Sean T. Killeen
Civil Rights Coordinator
189 Park Street
North Reading, MA 01864
skilleen@nrpsk12.org

N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location; and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination.

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.