Winthrop Public School

District Title IX Grievance Process

The Winthrop Public Schools ("District") will promptly respond to all reports alleging Sexual Harassment as defined by Title IX regulations. The district will ensure a fair and equitable resolution and will provide supportive measures to both alleged victim and the respondent. If Sexual Harassment is found to have occurred, the district will take steps to prevent recurrence and to provide remedies designed to restore or preserve equal access to the district's programs. The Title IX Coordinator ("Coordinator") is responsible for ensuring District's compliance with Title IX and this Grievance Process. The coordinator's contact information is as follows:

Brian Curley
Principal, Winthrop Middle School
60 Payson Street
Winthrop, Ma 02152
(617)846-5507 ext. 7230
Email: bcurley@winthrop.k12.ma.us

Process Before the Filing of a Formal Complaint

Any District employee who has knowledge of an allegation of sexual harassment must inform the Title IX Coordinator or the Building Principal (who shall take responsibility for notifying the Title IX Coordinator). The employee's knowledge may be based upon personal observation or upon a report from the alleged victim or from anyone else.

Once the Title IX Coordinator learns of an allegation of sexual harassment, the coordinator will contact the alleged victim ("the Complainant") to gather preliminary information, describe the Complainant's right to file a "Formal Complaint" against the alleged perpetrator ("the Respondent"). The coordinator will discuss and offer "Supportive Measures" and will explain that they are available whether the Complainant files a Formal Complaint.

A "Formal Complaint" is a document filed by the Complainant alleging sexual harassment against a respondent and requesting that the district initiate the Grievance Process. Formal Complaints may be filed with the Title IX Coordinator in person, by mail, or electronic mail. If a Formal Complaint is dismissed because the alleged events do not fall within the parameters of Title IX, the District will promptly notify the parties of its dismissal and the reasons therefore. When the Complainant chooses not to file a Formal Complaint, the

Coordinator may elect to do so, particularly when the Coordinator deems that an investigation and potential sanctions are necessary to address safety or similar concerns within the district. If electing to override a Complainant's decision, the Coordinator must document the reasons in writing.

"Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. They may be provided before or after the filing of a Formal Complaint or where no Formal Complaint is filed. Such Measures are designed to restore or preserve equal access to the district's education and activities, including measures designed to protect the safety of all or the educational environment or to deter sexual harassment. The district will maintain the confidentiality of any Supportive Measures to the extent possible. Examples of supportive measures include, but are not limited to the following: counseling, deadline extensions, course adjustments, work or schedule modifications, and increased security.

Process After the Filing of a Formal Complaint

Once the Formal Complaint is filed, the Grievance Process begins. The district will provide the Complainant and Respondent with written notice of the allegations and information about the Grievance Process. This written notice will include details of the specific allegations including (if known) the individuals involved, the alleged conduct, and its date and location. The notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility is to be made at the conclusion of the Grievance Process. The parties will be informed of the right to have an advisor of his/her choice (who may be, but is not required to be, an attorney) who may accompany them at any point during the process. Each party will also be informed of his/her right to inspect and review evidence that is gathered. The parties will also be reminded of the school's prohibition against knowingly making false statements during this process and of the district's policy prohibiting retaliation against anyone who participates in the Grievance Process.

After the Formal Complaint is filed and the parties have been advised of their rights, the Title IX Coordinator will offer the parties the option of participating in an informal resolution process if appropriate. Before beginning an informal resolution process, the district will obtain written consent from the Complainant and Respondent. A Facilitator assigned by the coordinator will conduct a mediation. If a resolution is reached, the Facilitator will maintain the result in writing, and no further action needs be taken, As the process is

entirely voluntary, either party may withdraw from the informal resolution process at any time.

If either party declines informal resolution, or in the event no agreement reached, the Grievance Process will resume. The Coordinate will assign an "Investigator" and a separate "Decision Maker." In the event of an appeal, a separate Appeal Office must also be appointed. All individuals involved in processing a Formal Complaint must be free of bias and conflict of interest and must receive training regarding this policy and their respective roles.

The Investigator will complete an investigation into the Formal Complaint. Both the Complainant and Respondent will have an equal opportunity to present witnesses and other evidence. Prior to any interviews with a witness, the Investigator will provide the witness with notice of the date, time, location, participants, and sufficient time to prepare for that interview. Both parties will have an equal opportunity to examine and inspect evidence. At the conclusion of the investigation, the Investigator will create an initial Investigative Report that summarizes the relevant evidence and will send it simultaneously to each party and the party's advisor. The parties will have 10 days to review and respond to the report if they choose. After considering any response, the Investigator will then finalize the Investigative Report and provide a copy to each party, his/her advisor, and to the Decision Maker.

The Decision-Maker will afford each party the opportunity (1) to submit written, relevant questions that a party wishes to ask of any party or witness, (2) to provide answers, and (3) to submit additional, limited follow-up questions. The Decision-Maker must provide an explanation in the event he/she excludes a question as not relevant.

In addition, or in the alternative, the District has the discretion (and is not required) to conduct a live hearing as part of the Grievance Process. At such hearing, the Decision-Maker will permit each party's Advisor to ask the other party and any witnesses relevant questions. If a party does not have an advisor for the hearing, the District will provide one at no cost. Upon the request of the Complainant or Respondent, the District will utilize technology to separate the parties during the hearing process. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not consider any statement of that party or witness in determining responsibility.

Follow the written or live hearing process, the Decision Maker will issue simultaneously to both parties a written decision as to whether Respondent engaged in Sexual Harassment,

using a preponderance of the evidence standard. The report must include a description of the allegations, the procedural steps followed in the grievance process, a finding of facts, the conclusions reached, and the rationale therefore, and if applicable, any discipline imposed (subject to applicable procedures). If applicable, the Decision-Maker will also include remedies designed to restore or preserve equal access to education and activities within the district.

Appeal

Both the Complainant and Respondent shall have the right to appeal the decision by notifying the Title IX Coordinator in writing within 10 business days of receiving the decision. The district will provide written notice of the appeal to the other party. The grounds for appeal are limited to: Procedural irregularity, new evidence that was not reasonably available at the time of the determination or dismissal, or an alleged a conflict of interest. Both parties shall have an opportunity to provide a written statement supporting their position on Appeal. The Appeal shall be reviewed by a person who is not the original Facilitator, Investigator, Decision-Maker, or Title IX Coordinator. The Appeal Officer shall issue simultaneously to the parties a written decision and rationale, therefore.

Records

The district will maintain for seven years a record of the alleged conduct and of any actions taken, including supportive measures provided and the basis for the district's conclusion with respect to the alleged conduct.