

COHASSET PUBLIC SCHOOLS GRIEVANCE PROCEDURES
ALLEGATIONS OF CONDUCT THAT MAY CONSTITUTE
SEXUAL HARASSMENT (SEX DISCRIMINATION) UNDER TITLE IX

I. Overview

The Cohasset Public Schools (“CPS,” “District”) is committed to maintaining a school environment that is free of sex discrimination, inclusive of **sexual harassment** and related intimidation or retaliation constituting sex discrimination violating Title IX. **Sexual harassment** in any form and for any reason is prohibited.

The District has adopted these grievance procedures, which provide for the prompt and equitable resolution of complaints of sex discrimination including allegations of **sexual harassment** (a form of sex discrimination under Title IX) and related retaliation, made by students (and/or a parent/guardian on a student’s behalf), employees or other individuals who are participating or attempting to participate in a CPS education program or activity, or by the District’s Title IX Coordinator, alleging any action that would be prohibited by Title IX of the Education Amendments of 1972 or Title IX regulations, as amended.

CPS will address complaints of **sexual harassment** alleged to have occurred on District grounds/property, or during a District education program or activity (or a program or activity under the District’s substantial control) within the United States, will be addressed by CPS in accordance with Title IX. Title IX applies to conduct alleged to have occurred off school grounds/property and outside of a District program or activity only if CPS exercises substantial control over the context in which the alleged conduct occurred. Title IX does not apply to conduct occurring outside of the United States.

The formal grievance procedures set forth herein are initiated by the filing of a **Formal Title IX Complaint** alleging sex discrimination / **sexual harassment**, which process is described below.

Any terms indicated in bold type herein are defined in the attached APPENDIX OF DEFINITIONS.

A. CPS Title IX Coordinator

The CPS Title IX Coordinator for the 2025-2026 school year is:

Dr. Leslie Scollins
Assistant Superintendent
143 Pond Street
Cohasset, MA 02025
781-383-4120
lscollins@cohassetk12.org

The CPS Title IX Coordinator, whose contact information can be also be accessed here via the [CPS website](#), is the District representative who is responsible for the coordination and oversight of the District’s compliance with Title IX and its regulations.

B. Scope of Title IX Grievance Procedures

These Title IX Grievance Procedures have been developed in accordance with the 34 C.F.R. Part 106, as promulgated in 2020, effective as of August 14, 2020 (with the exception of August 1, 2024 – January 9, 2025, when intervening amended Title IX regulations were in effect in Massachusetts prior to being vacated nationwide on January 9, 2025). Title IX regulations mandate specific grievance procedures for responding to and investigating allegations of sex discrimination violating Title IX, including allegations of **sexual harassment** and related retaliation.

While CPS is committed to responding promptly and in a meaningful way to any and all reports of sex discrimination in any form, in accordance with Title IX and all applicable law, District policy, and District standards of conduct, the Title IX Grievance Procedures set forth herein apply only to reports of alleged conduct constituting sex discrimination in violation of Title IX including allegations of **sexual harassment**, as defined in the applicable APPENDIX OF DEFINITIONS.

Reports of alleged **sexual harassment** violating Title IX, as defined herein, will be addressed under these Grievance Procedures. Reports of alleged conduct that do not include any allegation constituting a violation of Title IX will be addressed, and investigated as appropriate, under other District policies and procedures applicable to such reports. Any individual making a report of prohibited conduct not covered by Title IX / these Title IX Grievance Procedures will be directed to the applicable procedure(s).

C. Reports of Sex Discrimination - Sexual Harassment / Actual Knowledge

Any person may make a report to a school/District alleging sex discrimination, including **sexual harassment** or related retaliation.

Individuals are encouraged to make such reports to the Title IX Coordinator, whose contact information may be accessed via the [CPS website](#).

If an individual makes a report to a District employee other than the Title IX Coordinator, that employee shall promptly notify the Title IX Coordinator.

NOTE: If a reporter makes a report to a confidential employee, the confidential employee will (i) explain to the reporter the employee's status as a confidential employee, (ii) indicate how the reporter can connect with the Title IX Coordinator, who can explain **supportive measures**, the grievance procedures (as applicable), investigation (as appropriate) and, if applicable, the informal resolution process and (iii) indicate how the reporter can file a **Formal Complaint**.

Confidential employees include those individuals serving as school psychologists or school adjustment counselors. Their contact information is available under each school's and/or the District's staff directory.

Any District employee that has **actual knowledge** of conduct or alleged conduct that may constitute **sexual harassment** or related retaliation violating Title IX, regardless of the position

of the employee or whether a **Formal Complaint** was filed, has an obligation to promptly report such conduct to their Principal or to the Title IX Coordinator so that the District can promptly respond in a meaningful way and offer **supportive measures** as appropriate.

If the allegation involves the Title IX Coordinator, the individual may report such conduct to the Superintendent of Schools, whose contact information may be accessed at [CPS website](#). In such cases the Superintendent will designate an alternative individual to serve in the place of the Title IX Coordinator.

The District shall respond promptly and in a meaningful and equitable way to all such allegations/reports upon **actual knowledge**, whether transmitted directly by a **complainant** or through a school employee. Upon receipt of a report or otherwise acquiring **actual knowledge** of an allegation, the Title IX Coordinator will:

- Promptly offer and coordinate supportive measures, as appropriate, for both the **complainant** and the **respondent**, maintaining as confidential any **supportive measures** offered/provided to the **complainant** or **respondent**, to the extent maintaining such confidentiality would not impair the ability to provide **supportive measures**;
- Inform the **complainant** of the availability of **supportive measures** with or without the filing of a **Formal Complaint**;
- Consider the **complainant's** wishes with respect to **supportive measures**;
- If the District does not provide the **complainant** with **supportive measures**, document the reasons why not providing was reasonable in light of known circumstances;
- Explain to the **complainant** the process for filing a **Formal Complaint**. Only the filing of a **Formal Complaint** (as distinguished from a report, verbal-only complaint, etc.) of sex discrimination, including allegation of **sexual harassment** or related retaliation will trigger the formal grievance process, outlined in Section II; Consider the **complainant's** wishes with respect to the filing of a **Formal Complaint**;
- Notifying the parties of the **Formal Complaint** process and grievance procedures, as well as of the option of an informal resolution process if available under the circumstances, as appropriate; and
- If a **Formal Complaint** is filed by the **complainant**, the **complainant's** parent/guardian, or the Title IX Coordinator (if appropriate under the circumstances), initiating the formal grievance procedures or the informal resolution process – the latter only if available, appropriate, and agreed to by the parties; In the absence of a **Formal 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, determining whether to initiate a **Formal Complaint** triggering the grievance procedures is at the Title IX Coordinator's reasonable judgement, to the extent appropriate under the circumstances;

If a report either takes the form of a **Formal Complaint**, or results in the filing of a **Formal Complaint**, the formal Grievance Procedures as set forth below in Section II shall be implemented.

II. Grievance Procedures – Sexual Harassment

The Grievance Procedures outlined herein are initiated when the District has **actual knowledge** of an allegation of conduct that may constitute sexual harassment in violation of Title IX.

Formal Grievance Procedures are triggered and implemented when a **Formal Complaint**, as defined herein, is filed by a **complainant**, a **complainant's** parent/guardian on the complainant's behalf, or by the Title IX Coordinator.

A. Who May File a Title IX Complaint / Formal Complaint of Sexual Harassment

The following persons have a right to make a **Formal Complaint** alleging conduct constituting **sexual harassment** (which is a form of sex discrimination under Title IX), meaning a written/signed (physical or electronic) complaint requesting that CPS investigate and make a determination about alleged **sexual harassment** (as defined in APPENDIX) under Title IX: (i) A **complainant**; or (ii) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a **complainant**.

In addition, if a **Formal Complaint** is not filed by the above persons, but the Title IX Coordinator is aware of conduct that reasonably may constitute sex discrimination including **sexual harassment** or related retaliation, in the absence of a **Formal Complaint**, the Title IX Coordinator shall decide either to (1) initiate a **Formal Complaint** that complies with and triggering these grievance procedures or (2) respond in another manner that is prompt, reasonable, and appropriate, under the circumstances, to stop such **sexual harassment**, and to prevent such **sexual harassment** from continuing or recurring within CPS's education program or activity, or a program or activity under CPS's substantial control.

Note: In determining whether to initiate a **Formal Complaint**, the Title IX Coordinator will consider the particular circumstances and factors including any request by a **complainant** or a **complainant's** parent/guardian not to proceed with a **Formal Complaint**, the **complainant's** reasonable safety concerns, any risk of additional acts of **sexual harassment** occurring if a **Formal Complaint** is not initiated, the severity of the alleged conduct, whether the alleged conduct, if determined to have occurred, would lead to the removal of the **respondent** from campus, ages of the parties, relationship of the parties, whether the **respondent** is an employee, the scope of the alleged conduct, whether there are multiple impacted parties, the availability of evidence to assist in making findings and a determination of responsibility, and whether CPS could end the alleged conduct and prevent its recurrence without initiating the grievance procedures. If the Title IX Coordinator does decide to initiate a **Formal Complaint**, the Coordinator will notify the **complainant** prior to doing so and appropriately address reasonable safety concerns.

With respect to complaints of sex discrimination *other than sexual harassment* or related retaliation, in addition to the persons listed above, the following persons also have a right to file a complaint alleging violation of Title IX: (i) Any student or employee; or (ii) any person other than a student or employee who was participating or attempting to participate in CPS's education program or activity at the time of the alleged sex discrimination. Note that the Formal Complaint

as defined herein and the formal Grievance Procedures set forth herein apply only to **sexual harassment** or related retaliation.

Complainants / reporters are encouraged, but not required, to use the District's Title IX Complaint Form, available via the CPS website at ([Complaint Form](#)), to report any alleged violation of Title IX.

CPS may consolidate complaints of **sexual harassment** 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 arise out of the same facts or circumstances. Complaints will not be consolidated if such consolidation would result in a violation of the Family Educational Rights and Privacy Act ("FERPA") or 603 CMR 23.00.

B. Basic Requirements of Title IX Grievance Procedures re. Allegations of Sexual Harassment

CPS will treat **complainants** and **respondents** equitably.

CPS requires that any Title IX Coordinator, investigator, decision-maker or appeal officer not have a conflict of interest or bias for or against **complainants** or **respondents** generally, or an individual **complainant** or **respondent**.

A decision-maker may not be the same person as the Title IX Coordinator or the investigator; An appeal officer may not be the same person as the decision-maker. A single decision-maker model is prohibited.

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

CPS has established the following timelines for the completion of stages of and completion of the grievance procedures triggered by the filing of a Formal Complaint, to the extent feasible:

- Initial investigation evaluation - as to whether to dismiss or further investigate a **Formal Complaint**: Completed within ten (10) school days of the **Formal Complaint**;
- Prompt notice to parties regarding any Title IX investigation;
- Investigation: Completed within thirty (30) school days of **Formal Complaint**;
- At least ten (10) calendar days before the investigator's completion of the written investigation report, the school shall send each party the evidence obtained in the investigation; Each party shall be given an opportunity to respond in writing; The investigator's final report is then submitted to the decision-maker;
- Each party shall have the opportunity to submit written, relevant questions to one another and at least ten (10) calendar days to respond in writing;
- The decision-maker shall then issue a written determination regarding responsibility that includes findings, conclusions, rationale, and disciplinary sanctions, if any: Completed /

shared with parties simultaneously with parties within forty-five (45) school days of **Formal Complaint**, along with appeal information;

- Filing of Appeal (if any): Must be submitted by appealing party within five (5) calendar days of notice of any dismissal of Formal Complaint or determination of responsibility to be appealed;
- Determination on Appeal (if any): Completed within thirty (30) school days of filing of Appeal.

Reasonable extensions of time may be provided on a case-by-case basis with notice to the parties indicating the reason for the delay. For example, an extension may occur because of prolonged impairment or unavailability of a party, witness, investigator or decision-maker; an ongoing law enforcement investigation; or request by another government agency (*e.g.* District Attorney, US Attorney, Department of Children and Families) to exercise forbearance.

CPS will take reasonable steps to protect the privacy of parties and witnesses during the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consulting with family members, confidential resources or advisors, or otherwise prepare for or participate in the grievance procedure.

CPS prohibits intimidation or retaliation against any party or witness. The act of retaliation, apart from any act of discrimination or harassment, is itself grounds for disciplinary sanctions if appropriate.

C. Notice of Allegations

Upon the initiation of these grievance procedures, CPS will notify each party of the following:

- CPS Title IX grievance procedures, as well as the option of an informal resolution process, if applicable and appropriate.

Note: Offering to facilitate an informal resolution process is prohibited unless a **Formal Complaint** has been filed, is only permissible with both parties' written, informed, voluntary consent. The informal resolution process cannot be used in instances where the **Formal Complaint** involves allegations that an employee engaged in **sexual harassment** of a student, or when such a process would conflict with Federal, State or local law.

- 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 include **sexual harassment** or related retaliation, and the date(s) and location(s) of the alleged incident(s)
- Retaliation is prohibited
- The parties are entitled to an equal opportunity access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; a reasonable

opportunity to respond; and the requirement that CPS take reasonable steps to prevent and address unauthorized disclosures.

Note: If CPS provides a description of the evidence, a party, upon request, will be provided access to the evidence.

If CPS decides to investigate additional allegations that are not included in the notice, it will notify each party of the additional allegations.

D. Dismissal of a Formal Complaint and Appeal of Dismissal Decision

CPS may dismiss a **Formal Complaint** under Title IX for one or more of the following reasons (in some cases, CPS is required to dismiss under Title IX):

Dismissal required under Title IX:

- The alleged conduct did not occur in the United States;
- The alleged conduct did not occur in an education program or activity of CPS, or under the substantial control of CPS;
- The **complainant** is not participating in or attempting to participate in an education program or activity of CPS at the time that the **Formal Complaint** is filed;
- CPS determines that the conduct as alleged, even if proven, would not constitute sex discrimination / **sexual harassment** violating Title IX under the provisions of Title IX and its regulations;

NOTE: If the alleged conduct, while not constituting sexual harassment violating Title IX, meets the definition of other prohibited conduct, the alleged conduct will be addressed and/or investigated under procedures applicable to such alleged prohibited conduct, in accordance with District policies, procedures, codes of conduct, and applicable law;

Discretionary dismissal:

- CPS is unable to identify the **respondent** after taking reasonable steps to do so;
- The **respondent** is not / no longer participating in CPS's education program or activity and is not employed by or under the substantial control of CPS;
- The **complainant** voluntarily withdraws part or all of the **Formal Complaint** and the Title IX Coordinator declines to initiate a **Formal Complaint**, and CPS determines that, without the **complainant's** withdrawn allegations, the conduct (if any) that remains alleged in the **Formal Complaint** would not constitute **sex discrimination – sexual harassment** under Title IX even if proven.
- Specific circumstances preclude sufficient evidence.

Upon dismissal, CPS will promptly notify the **complainant** of the dismissal and of the basis therefor. If the dismissal occurs after the **respondent** has been notified of the allegations, CPS will also notify the **respondent** of the dismissal and the basis for the dismissal promptly following notification to the **complainant**, with written notification to both parties being simultaneous.

CPS will notify the **complainant** that a dismissal may be appealed and will provide the **complainant** with an opportunity to appeal the dismissal of the **Formal Complaint**. If the dismissal occurs after the **respondent** has been notified of the allegations, then CPS will also notify the **respondent** that the dismissal may be appealed. Dismissals may be appealed on the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and was not reasonably available at the time of dismissal;
- The Title IX Coordinator, investigator or decision-maker had a conflict of interest or bias that would change the outcome

If the dismissal is appealed, CPS will:

- Notify the complainant; Notify the respondent as appropriate;
- Implement appeal procedures equally to the parties;
- Ensure that the appeal officer is not the same investigator or decision-maker that took part in the investigation or reached the determination regarding dismissal, or the Title IX Coordinator;
- Ensure that the appeal officer has received Title IX training;
- Provide the parties a reasonable and equal opportunity to make a statement supporting or challenging the outcome;
- Issue a written decision to the parties and the rationale for the result, as appropriate.

If/when a **Formal Complaint** is dismissed, CPS will, at a minimum:

- Offer **supportive measures** to both the **complainant** and the **respondent**, as appropriate;
- Take other prompt and effective steps as appropriate, through the Title IX Coordinator, to ensure that **sexual harassment** does not continue or recur in CPS's education program or activity.

E. Supportive Measures

CPS shall offer and coordinate **supportive measures**, as appropriate, for the **complainant** and **respondent**, to restore or preserve access to CPS's education program or activity or provide support during any Title IX grievance procedures or during any informal resolution process. Supportive measures shall be provided promptly and are available regardless of whether a **Formal Complaint** is filed.

Supportive measures may include counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in schedule, class, work, extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to **sexual harassment**.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or [CPS's] educational environment, or to provide support during the [CPS] grievance procedures or during the informal resolution process. **Supportive measures** will not be punitive or disciplinary in nature.

Supportive measures may be modified, terminated or continued as appropriate throughout or upon the conclusion of the grievance procedure or informal resolution process.

F. Informal Resolution Process

In lieu of a determination of responsibility regarding whether **sexual harassment** violating Title IX occurred, in certain circumstances CPS may offer the **complainant** and **respondent** a voluntary informal resolution process, which will be undertaken only if CPS offers it and only if a **Formal Complaint** has been filed and both parties agree (through informed, written consent) prior to any such determination having been made. This process will not be available if the **Formal Complaint** includes allegations that an employee engaged in **sexual harassment** of an elementary school or secondary school student or such a process would conflict with Federal, State or local law. If pursuing informal resolution under appropriate circumstances, with the parties voluntary written consent, CPS will strive to complete the informal resolution process within 30 school days of the parties' agreement to participate, to the extent feasible. If additional time is needed, the Title IX Coordinator will provide written notice to the parties explaining the reason(s) and the anticipated completion date.

G. Investigation

CPS will provide for adequate, reliable and impartial investigation of **Formal Complaints**.

The burden is on CPS, not on the parties, to conduct an investigation that gathers sufficient relevant and not otherwise impermissible evidence, to enable CPS to make a determination as to whether conduct constituting **sexual harassment** violating Title IX has occurred.

CPS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The following types of evidence, and questions seeking that evidence, are impermissible. Such evidence will not be sought, accessed, considered or used (except where permitted by an exception set forth below) regardless of whether it is relevant:

- Privileged evidence: Evidence that is protected under a privilege recognized by Federal or State law (*e.g.*, attorney–client, doctor–patient, spousal).
 - Exception: the person to whom the privilege is owed has waived the privilege
- Confidential employee evidence: Evidence provided to a confidential employee (*e.g.*, counselor)
 - Exception: the person to whom confidentiality is owed has waived confidentiality
- Medical and treatment records: A party’s or witness’ records that are made or maintained by a health care provider, in connection with the provision of treatment to the party or witness
 - Exception: the party or witness has provided voluntary, written consent for such evidence to be used in the grievance procedures
- Evidence of sexual interests / prior conduct: Evidence that relates to the **complainant’s** sexual interests or prior sexual conduct
 - Exception: Evidence about the **complainant’s** prior sexual conduct is offered to prove that someone other than the **respondent** committed the alleged conduct
 - Exception: Evidence about specific incidents of the **complainant’s** prior sexual conduct with the **respondent** is offered to prove consent of the alleged **sexual harassment**. The fact of prior consensual sex between the **complainant** and **respondent** does not alone demonstrate or imply the **complainant’s** consent to the complained about conduct or preclude a determination that **sexual harassment** occurred.

Questioning of parties and witnesses will include inquiries designed to enable CPS to adequately assess their credibility to the extent credibility is in issue and relevant to evaluating the allegations of **sexual harassment** and/or related retaliation. For example, questioning may include exploration of opportunity to observe, ability to perceive and communicate events accurately, inquiry of percipient witnesses, exploration of internal and external consistency of testimony and examination of contemporaneous records.

CPS will provide each party, before a determination of responsibility is made, an equal opportunity to present fact witnesses and to submit inculpatory and exculpatory evidence that is relevant and not otherwise impermissible

CPS will provide each party with a reasonable and equal opportunity to access the relevant and not otherwise impermissible evidence, before a determination of responsibility is made, in the following manner:

- CPS will provide an equal opportunity to access the evidence or an accurate description of the evidence; If CPS provides a description of the evidence, then upon request of a party, CPS will provide access to the evidence;
- CPS will provide a reasonable opportunity to respond to the evidence or description thereof;

- CPS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures; Disclosure of such information and evidence for purposes of administrative proceedings or litigation related to the **complaint of sexual harassment** and/or related retaliation are authorized.

H. Determination Re. Whether Conduct Constituting Sexual Harassment Violating Title IX Occurred

CPS will objectively evaluate all evidence, both inculpatory and exculpatory, that is **relevant** and not otherwise impermissible, to determine responsibility. Credibility will not be determined solely on a person's status as a **complainant, respondent** or witness.

The decision-maker will consider the relevant and not otherwise impermissible evidence in determining whether, based on the preponderance of the evidence standard of proof, **sexual harassment** and/or related retaliation has occurred. The preponderance of the evidence standard requires the decision-maker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-maker is not persuaded under the applicable standard by the evidence that sexual harassment and/or related retaliation occurred, whatever the quantity of evidence is, the decision-maker will not determine that **sexual harassment** violating Title IX occurred.

The decision-maker will notify the parties in writing, simultaneously, of the determination of whether conduct constituting a violation of Title IX occurred, and the rationale for such determination.

No discipline under Title IX may be imposed unless the decision-maker determines that the **respondent** engaged in conduct prohibited by Title IX.

CPS may, however, determine separately that discipline or consequences may be imposed – outside of the Title IX process – for conduct violating District policies or codes of conduct, in accordance with such District policies / codes of conduct and applicable law, even if a determination has been made that particular conduct does not constitute violation of Title IX – as outlined below.

If there is a determination that **sexual harassment** occurred in violation of Title IX, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a **complainant** and any other individuals identified by CPS as having had equal access to CPS's education program or activity limited or denied as a result the **sexual harassment** and/or related retaliation, in order to restore or preserve equal access.
- Coordinate the imposition of any disciplinary sanctions on a **respondent**, including notification to the **complainant**, to the extent permissible and appropriate, of any such disciplinary sanctions.

- Take other appropriate prompt and effective steps to ensure that **sexual harassment** does not continue or recur within CPS's education program or activity.

CPS will comply with the grievance procedures before the imposition of any disciplinary sanctions, if any, against the **respondent**.

CPS will not discipline a party or witness, or others, for making a good faith report or participating in the grievance procedures, for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether **sexual harassment** occurred.

Note: CPS may still address false statements by initiating a disciplinary process under its code of conduct as long as there is evidence independent of the determination of whether **sexual harassment** occurred.

A determination of no responsibility for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedure, the Bullying Prevention and Intervention Plan, the Student and Staff Codes of Conduct, and/or a collective bargaining agreement, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have discretion to make any such referrals and proceed as appropriate in regard to the allegations. In addition, a determination of responsibility for purposes of Title IX shall not preclude the District from making additional determinations of responsibility under any other District policies or procedures, including but not limited to those listed above.

I. Disciplinary Sanctions and Remedies

Following a determination that **sexual harassment** and/or related retaliation occurred, CPS may impose disciplinary sanctions on the **respondent**, in accordance with applicable law and agreements. These may include restorative justice measures, detention, out of school removal, verbal or written reprimand, reinforcement of expectations, adjustment of performance evaluation components, training, demotion, suspension or dismissal. CPS may also provide **remedies**, which may include coaching, mentoring, training, monitoring, schedule adjustments, counseling support or referrals and/or escorts.

J. Appeal

Other than the opportunity to appeal a dismissal of a **Formal Complaint**, as noted above, CPS does not make an appeal available for determinations of responsibility or disciplinary sanctions, unless such appeal is otherwise provided for by applicable law (for example, suspensions and terminations under MGL Chapter 71, Sections 42 and 42D, respectively, and applicable student discipline laws and regulations, such as, for example, regarding disciplinary removals for greater than ten days), beyond any party having the opportunity to appeal a decision-maker's determination of responsibility on one or more of the following bases:

- Procedural irregularity that would change the outcome;

- New evidence that would change the outcome and was not reasonably available previously;
- Title IX personnel having a conflict of interest or bias, that affected the outcome of the matter.

If a determination of responsibility is appealed, CPS will:

- Notify the parties;
- Implement appeal procedures equally to the parties;
- Ensure that the appeal officer is not the same investigator or decision-maker that took part in the investigation, reached the determination regarding responsibility, or the Title IX Coordinator;
- Ensure that the appeal officer has received Title IX training;
- Provide the parties a reasonable and equal opportunity to make a statement supporting or challenging the outcome;
- Simultaneously issue a written decision to the parties including the rationale for the result.

K. Consultation with members of IEP and/or Section 504 Team

In the course implementing **supportive measures**, informal resolution, and/or a grievance procedure, and throughout the same, if either a **complainant** or **respondent** is an elementary or secondary student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program ("IEP") team, (*see* 34 CFR 300.321), if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 CFR 104.35(c), if any, 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.

APPENDIX
Relevant 34 C.F.R. § 106.30(a) Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a [CPS's] Title IX Coordinator or any official of [CPS] who has authority to institute corrective measures on behalf of [CPS], or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of [CPS] with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of [CPS]. “**Notice**” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in § 106.8(a).

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

...

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the [CPS] investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of [CPS] with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by [CPS]. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the [CPS]) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of [CPS] conditioning the provision of an aid, benefit, or service [CPS] on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to [CPS's] education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34

U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to [CPS’s] education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the [CPS] educational environment, or deter sexual harassment. 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. [CPS] 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 [CPS] to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.