

Newton Public Schools

Protocol For Reporting and Investigating Sexual Harassment and Retaliation Pursuant to Title IX

100 Walnut Street • Newton, Massachusetts 02460

Updated November 2025

Protocol For Investigating Sexual Harassment And Retaliation Pursuant To Title IX

I. Introduction

Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations issued by The Secretary of Education (effective August 14, 2020, and reinstated in January 2025) specify how recipients of federal financial assistance covered by Title IX, including elementary and secondary schools, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. The regulations are intended to effectuate Title IX's prohibition against sex discrimination by requiring recipients to address sexual harassment as a form of sex discrimination in education programs or activities. The regulations obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims.

II. Policy Statement

The Newton Public Schools (or the "District") does not discriminate against individuals on the basis of sex, or any other category protected by state or federal law, in the administration of its educational and employment policies, and its administered programs and activities, and provides equal access to community groups. The Newton Public Schools is committed to maintaining an educational and work environment free from all forms of discrimination, including sexual harassment and retaliation.

III. Goals

The Newton Public Schools and the Newton School Committee are committed to providing equal educational opportunities and a safe learning and workplace environment free from discrimination, including sex-based discrimination, sexual harassment, and retaliation. The Newton Public Schools and the Newton School Committee will not tolerate any form of discrimination, including sexual harassment and retaliation, within the school community. Under this Protocol, the Newton Public Schools will promptly and fairly investigate and respond to all reports and complaints of sexual harassment and retaliation. The District will provide equitable treatment to complainants and respondents, ensure objective evaluation of all relevant evidence, and designate investigators and decision-makers who are free from bias or conflict of interest. Following an investigation where it is determined that sexual harassment has occurred, the District will take prompt, appropriate disciplinary, corrective, and remedial measures as necessary to ensure a safe and equitable learning and workplace environment for all school community members.

IV. Definitions

1. Actual Knowledge:

Actual Knowledge means notice of sexual harassment or allegations of sexual harassment to any employee of the District, except that this standard is not met when the only District employee with actual knowledge is the respondent (where the respondent is the employee). Imputation of knowledge, based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. Reports or allegations of sexual harassment will be addressed whenever the District has Actual Knowledge of an allegation.

2. Complainant:

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

3. Deliberate Indifference:

The District's response to an allegation of sexual harassment that is clearly unreasonable in light of the known circumstances.

4. Formal Complaint:

A document filed by a complainant (or the complainant's parent/ guardian if the complainant is a minor), or a document filed and signed by the Title IX Coordinator, alleging sexual harassment against a respondent and requesting that the District investigate the allegation(s) of sexual harassment.

5. Report:

A notification of an alleged incident of sex discrimination, including sexual harassment, to the Title IX Coordinator or to any District employee. Reports may be made by any person, whether or not the person reporting is the person alleged to be the victim of the conduct that could constitute sex discrimination or sexual harassment.

6. Respondent:

An individual who is the reported perpetrator of conduct that could constitute sexual harassment.

7. Retaliation:

Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment against any member of the school community in response to

that member's oral or written, formal or informal, reporting or filing a complaint of discrimination, including harassment or retaliation, cooperating in an investigation, aiding or encouraging another member of the school community to report or file a complaint, or for opposing any act or practice believed to be prohibited by the District's Non-Discrimination Policy.

8. School Community:

The School Community includes the Newton School Committee, administration, faculty, staff, students, and volunteers in schools, and other parties contracted to perform work for the Newton Public Schools, subject to the District's authority.

9. Sexual Harassment (Title IX):

Sexual harassment under Title IX means verbal, physical, or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

i) Quid Pro Quo:

A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct;

ii) Hostile Environment:

Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;

iii) Specific Offenses:

Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act and the Violence Against Women Act.

10. Supportive Measures:

Individualized services, available to the complainant or respondent, designed to restore and ensure equal educational access, protect the safety, or deter sexual harassment. Supportive measures are non-punitive, non-disciplinary, and cannot unreasonably burden the other party. Supportive measures are available before or after the filing of a formal complaint, or where no formal complaint has been filed, and are coordinated and implemented by the Title IX Coordinator. Supportive measures are generally kept confidential. Examples of Supportive Measures include counseling, extension of deadlines, modifications to work or class schedule, increased security/monitoring in parts of a school campus, and mutual restrictions on contact between the parties.

V. Protocol Application

Title IX covers sexual harassment in the District's or a school's "education program or activity". This includes locations, events, and circumstances where the District or a school exercises substantial control over the context of the alleged sexual harassment and the person accused of committing the alleged sexual harassment, whether such programs or activities occur on-campus or off-campus and within the United States.

While Title IX covers the above definition of "sexual harassment," NPS recognizes that the Title IX standard does not capture all conduct that may amount to sexual harassment under NPS policy and/or other state or federal laws. Therefore, while NPS prohibits "sexual harassment" as defined in Title IX, it also prohibits sexually harassing conduct that may fall outside the scope of the Title IX definition. If NPS determines that alleged conduct falls outside of the Title IX scope, but still may constitute sexual harassment under other District policies, NPS will investigate each allegation of such conduct and may implement appropriate remedial and/or disciplinary action in accordance with those policies.

VI. School Community Responsibilities

1. All members of the School Community are responsible for:

- i) Complying with the NPS Non-Discrimination Policy and this Protocol for Reporting and Investigating Sexual Harassment Pursuant to Title IX.
- ii) Ensuring that they do not discriminate against, harass, or commit a crime against another person in the District's or a school's "education program or activity" because of that person's sex.
- iii) Ensuring that they do not retaliate against any other person for reporting or filing a Formal Complaint, for aiding or encouraging the filing of a report or Formal Complaint, for cooperating in an investigation of sexual harassment and retaliation, or for opposing any act or practice reasonably believed to be prohibited by the NPS Non-Discrimination Policy.
- iv) Cooperating in the investigation of reports or complaints of sexual harassment and retaliation.

2. All non-student members of the School Community are responsible for:

- i) Responding appropriately, and intervening if able to take action safely, when witnessing discrimination based on sex, including sexual harassment or retaliation, taking place in the District's or a school's "education program or activity."
- ii) Cooperating with the Newton Public Schools' efforts to prevent, respond effectively to, and eliminate discrimination on the basis of sex, including sexual harassment and retaliation.
- iii) Promptly reporting all known information concerning possible discrimination on the basis of sex, including sexual harassment and retaliation, to any District employee

when they witness or become aware of conduct occurring in a school's "education program or activity," or any other circumstance defined in Section 5 entitled "Protocol Application." (See Section VII(2) for "Mandatory Reporting Guidelines").

VII. Reporting And Formal Complaints

1. Reporting Sexual Harassment

Any person (whether or not they are the victim of the alleged conduct) may report suspected sexual harassment to any NPS staff member, including the District's Title IX coordinators. Reports may be made in any manner, including in-person, by email, by telephone, or by email, at any time, including during non-business hours. Title IX does not impose a time limit for reporting alleged incidents of discrimination based on sex, sexual harassment, or retaliation; however, to ensure integrity, promote fairness, and facilitate an effective investigation, every effort should be made to report all instances of alleged sexual harassment or retaliation, as promptly as possible, and, if possible, not later than 180 calendar days after the alleged conduct occurred.

The District's Title IX Coordinator contact information is as follows:

For conduct involving students:

Kathy Lopes
Director of Diversity, Equity & Inclusion/Title IX Coordinator
100 Walnut Street
Newton, MA 02460
Tel: 617-559-6140
Email: lopesk@newton.k12.ma.us

For conduct involving employees:

Joany Santa
Assistant Superintendent Director of Human Resources/Title IX Coordinator
100 Walnut Street
Newton, MA 02460
Tel: 617-559-6005
Email: santaj@newton.k12.ma.us

*For conduct involving employees and students, or for conduct involving individuals outside of the School Community, reports may be made to either Title IX Coordinator.

2. Mandatory Reporting Guidelines

All non-student members of the School Community are required to report to the appropriate Title IX Coordinator any incident of sexual harassment or retaliation against any student that they witness, are notified of through a student's report or complaint, or that they otherwise become

aware of, as soon as practicable, but no later than 24 hours after becoming aware of the incident. All reports must be made in writing, signed by the reporting party. No mandatory report under this section may be filed anonymously. Failure to comply with this mandatory reporting requirement or this Protocol may lead to disciplinary action.

3. Responding to Reports of Sexual Harassment

NPS shall respond promptly and meaningfully to reports of conduct that may constitute Title IX sexual harassment in a manner that is not “deliberately indifferent”. NPS shall investigate every Formal Complaint of sexual harassment and respond meaningfully to every known report of sexual harassment. Any staff member who receives a report of sexual harassment must immediately contact the appropriate Title IX Coordinator so that prompt measures can be taken.

Upon receiving any report of sexual harassment, the Title IX Coordinator must contact the alleged victim (known as the “Complainant”) confidentially regarding: i) the availability of supportive measures (even if no Formal Complaint is filed); ii) the complainant’s wishes concerning supportive measures; iii) the right to file a Formal Complaint; iv) the purpose of filing a Formal Complaint (including initiation of an investigation); and v) the process by which to file a Formal Complaint.

Supportive Measures may also be offered to the respondent, even if no Formal Complaint is filed. Only upon a final determination that the respondent is responsible for the alleged conduct may disciplinary sanctions be imposed upon the respondent.

The Title IX Coordinator must document in writing the Supportive Measures offered/provided (or why no Supportive Measures were offered/provided) to the complainant and respondent.

4. Filing a Formal Complaint

Complainants are encouraged, but not required, to file a Formal Complaint using the District’s Formal Complaint form. Where requested or needed, assistance may be provided in preparing a Formal Complaint. The Formal Complaint must be made in writing and signed (by hand or digitally) to indicate that the complainant is the person filing the Formal Complaint. The Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

If the complainant declines to file a Formal Complaint, the Title IX Coordinator must consider whether to file and sign a Formal Complaint to initiate an investigation over the complainant’s wishes. This decision may be appropriate when safety or other similar concerns lead the Title IX Coordinator to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require the District to investigate the allegations and potentially sanction a respondent. The decision to sign a Formal Complaint must be documented in writing, along with the rationale for initiating the complaint. Attempts will be made to obtain the cooperation of any student who is an alleged victim of sexual harassment; however, where the cooperation of the alleged student victim is not received, the school shall investigate the allegations, to the extent feasible.

If a Formal Complaint is not made by either the complainant or the Title IX Coordinator, the District may still investigate the report of sexual harassment in accordance with its Non-Discrimination Policy.

There is no time limit for filing a Formal Complaint; however, at the time of filing a Formal Complaint, an alleged victim must be participating or attempting to participate in the District's or school's program or activity.

5. Responding to Formal Complaints

i) Dismissals

(1) Mandatory Dismissals:

If the Title IX Coordinator determines that the Formal Complaint (or some of the allegations contained therein) alleges conduct which does not meet the Title IX definition of sexual harassment, or alleges sexual harassment that did not occur in the school's "education program or activity", or the alleged sexual harassment did not occur in the United States, the Title IX Coordinator must dismiss the allegations for the purposes of Title IX. The District may still address the allegations in any manner deemed appropriate through the Code of Conduct.

(2) Discretionary Dismissals:

If the complainant notifies the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint (or some allegations contained therein), or the respondent is no longer employed by or enrolled in the District, or specific circumstances prevent the District from gathering sufficient evidence to reach a determination, the Title IX Coordinator may dismiss the Formal Complaint (or some allegations contained therein).

(3) Dismissal Procedures:

In the event of a dismissal (mandatory or discretionary), the Title IX Coordinator must send prompt written notice of the dismissal, including the underlying reasons for the dismissal, to the parties. Both parties have the right to appeal a dismissal, following the appeal procedures below in Section 10.

ii) Informal Resolution

In cases that do not involve an allegation of sexual harassment between a student and a District employee, and if appropriate, the Title IX Investigator may offer for the parties to engage in Informal Resolution to resolve the allegations

contained in the Formal Complaint. In order to proceed with Informal Resolution, both parties must enter the process voluntarily by providing informed consent. Participation in Informal Resolution may not be imposed upon a party as a condition for students or staff returning to or participating in school activities. Informal Resolution may be offered any time after a Formal Complaint is filed and before the Determination of Responsibility is issued by the Decision-Maker.

The Informal Resolution process will be conducted by a trained facilitator who is free from conflict or bias surrounding the parties and the issues contained in the Formal Complaint. If the parties are not satisfied with the outcome of Informal Resolution, or if they do not agree to participate in Informal Resolution, the investigation procedures outlined below will continue.

VIII. Grievance Process

1. Timeline for Completing the Grievance Process

Except for good cause, as documented in the investigative file, the Grievance Process must be completed no later than 90 days from the date a Formal Complaint is filed with or filed by the Title IX Coordinator.

2. Written Notice

Upon receipt of a Formal Complaint, the Title IX Coordinator must issue written notice of the Formal Complaint to both parties before any interview of the respondent is conducted. The written notice must include written notice of the allegations (including the identities of both parties), notice of the grievance process and the appeal process, available supportive measures, and possible disciplinary sanctions and remedies. The written notice must also include a statement that the respondent is presumed not responsible for the alleged conduct during the grievance process and that a determination of responsibility is made after the grievance process. The written notice must also inform the parties that they have the right to an advisor of their choice (who may, but need not be, an attorney), and the right to inspect and review the District's evidence. If applicable, the written notice must also inform the parties that they are prohibited by the Code of Conduct from making false statements or knowingly submitting false information during the grievance process.

In the event that additional allegations are added during the course of the investigation, additional written notice must be provided.

3. Assignment of Title IX Personnel

The Title IX Coordinator shall designate the Investigator, Decision-Maker, and Appeal Decision-Maker using the following charts as a guide:

Complaints Involving Two or More Students			
<u>Title IX Personnel</u>	<u>PK/Elementary</u>	<u>Middle School</u>	<u>High School</u>
<u>Title IX Coordinator</u>	Director of Diversity, Equity & Inclusion		
<u>Investigator</u>	Assistant Principal, Coordinator, or 'Teacher in Charge'	Assistant Principal	House Dean
<u>Decision - Maker</u>	Principal	Principal	Principal
<u>Appeal Decision-Maker</u>	Assistant Superintendent for Elementary Education	Assistant Superintendent for Secondary Education	Assistant Superintendent for Secondary Education

Complaints Involving Students and Non-Student/Staff			
<u>Title IX Personnel</u>	<u>PK/Elementary</u>	<u>Middle School</u>	<u>High School</u>
<u>Title IX Coordinator</u>	Assistant Superintendent of Human Resources and Director of Diversity, Equity & Inclusion		
<u>Investigator</u>	Assistant Principal or Coordinator	Assistant Principal	Vice Principal or Designee (Dean, Department Head, Director)
<u>Decision - Maker</u>	Principal	Principal	Principal or Vice-Principal
<u>Appeal Decision-Maker</u>	Assistant Superintendent for Elementary Education	Assistant Superintendent for Secondary Education	Assistant Superintendent for Secondary Education or Principal

Complaints Amongst Staff and Non-Students - Building Level				
<u>Title IX Personnel</u>	<u>PK/Elementary</u>	<u>Middle Level</u>	<u>Secondary</u>	<u>District</u>
<u>Title IX Coordinator</u>	Assistant Superintendent of Human Resources			
<u>Investigator</u>	Principal	Principal	Principal	Assistant

				Superintendent for Elementary or Secondary Education
<u>Decision - Maker</u>	Assistant Superintendent for Elementary Education	Assistant Superintendent for Secondary Education	Assistant Superintendent for Secondary Education	Assistant Superintendent for Teaching and Learning (or parallel Assistant Superintendent of Education)
<u>Appeal Decision-Maker</u>	Assistant Superintendent for Teaching and Learning	Assistant Superintendent for Teaching and Learning	Assistant Superintendent for Teaching and Learning	Superintendent

<u>Complaints Involving Central Office Administration</u>	
<u>Title IX Personnel</u>	<u>District</u>
<u>Title IX Coordinator</u>	Assistant Superintendent of Human Resources
<u>Investigator</u>	City of Newton Law Department Appointee (or contracted)
<u>Decision - Maker</u>	City of Newton Law Department Appointee (or contracted)
<u>Appeal Decision-Maker</u>	Outside counsel (contracted)

4. Investigation Procedures

i) Timeline:

The Investigator shall make all good faith efforts to complete the investigation within 15 school days of the initiation of the Formal Complaint, except for good cause documented in the investigative file. If the Investigator deems an extension necessary, the Investigator must notify the parties in writing of the delay.

ii) Gathering Evidence:

During the investigation, the burden of gathering evidence and the burden of proof remains with the District. The investigation may include personal interviews with the complainant(s), the respondent(s), and others who have knowledge of the alleged incident(s) or circumstance(s) giving rise to the allegations contained in the Formal Complaint. The investigation may also consist of other methods deemed pertinent by the Investigator, including gathering physical evidence. The parties must receive written notice of any investigative interviews or meetings. A party's medical,

psychological, and similar treatment records cannot be accessed or used by the District unless the party's voluntary, written consent to do so is received.

The Investigator must provide an equal opportunity for the parties to present facts and witnesses and other inculpatory and exculpatory evidence. The district must not restrict the ability of the parties to discuss the allegations or to gather evidence, and must afford the parties the same opportunity to select an advisor of the party's choice (who may, but need not be, an attorney).

iii) Drafting the Investigative Report:

The Investigator must fairly summarize the evidence gathered in a Draft Investigative Report. Findings should be written in a factual way, and the Investigator must avoid making any final determination of responsibility for the alleged conduct. Any credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

iv) Inspection of the Evidence and Draft Investigative Report:

All parties will be provided with an equal opportunity to review evidence gathered during the investigation and the Draft Investigative Report. The Investigator will send to each party (and to the party's advisor, if any) the evidence subject to inspection in an electronic format or a hard copy, and the Draft Investigative Report. Each party will have 10 calendar days to submit a written response to the evidence and Draft Investigative Report. Any written responses shall be considered by the Investigator before finalizing the Investigative Report.

v) Finalizing the Investigative Report:

Once the Investigative Report is finalized, the Investigator will send the Final Investigative Report to the complainant, respondent, and to the Decision-Maker.

5. Decision-Making Procedures

i) Written Questions:

Upon receiving the Final Investigative Report from the Investigator, the Decision-Maker must afford each party the opportunity to submit written, relevant questions to any other party or witness, facilitate the exchange of answers, and allow for additional, limited follow-up questions by each party. If the Decision-Maker decides not to allow a question to be posed by a party, a written explanation must be provided. Questions and evidence regarding the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are proffered to prove that someone other than the respondent is responsible for the

alleged conduct, or if the questions or evidence concern specific events of the complainant's prior sexual behavior with the respondent and are offered to prove consent.

ii) Determining Responsibility; Standard of Review:

The Decision-Maker is tasked with objectively evaluating and weighing the relevant evidence and reaching conclusions about whether the respondent is responsible for the alleged sexual harassment **by a preponderance of the evidence**¹.

After carefully weighing the relevant evidence before them, the Decision-Maker must issue a written Determination of Responsibility, including a description of the procedural steps, findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, any disciplinary sanctions for the respondent, and whether remedies will be provided to the complainant. The Determination of Responsibility must also advise the parties of their right to appeal the decision. The Determination of Responsibility must be issued to both parties simultaneously.

iii) Remedial Measures; Disciplinary Action; Corrective Action:

If the Decision-Maker determines that the respondent is responsible for the conduct, the complainant will be made aware of any sanctions imposed on the respondent that directly relate to the complainant. The respondent will not be notified of any individual remedies offered or provided to the complainant. The District will effectively implement remedies for the respondent, complainant, and where appropriate, for the broader school community. The remedies will be designed to restore or preserve equal access to the educational program or activity for a complainant, end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

Remedies may include but are not limited to: disciplinary sanctions against the respondent (up to and including long term suspension or expulsion); counseling for respondent; a security escort for the complainant; implementation of a safety plan to limit or eliminate potential shared classes or activities; training or retraining of school employees; changes to District policies and/or services. Any disciplinary action will be in accordance with due process rights under state law and any applicable collective bargaining agreement.

¹ 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).

Nothing herein limits the District from removing a student or employee from a program or activity on an emergency basis based on an immediate threat to an individual's physical health and safety, or placing an employee on administrative leave, during the pendency of the Grievance Process.

6. Appeals

i. Grounds for Appeal:

Either party may appeal the Determination of Responsibility (or the school's decision to dismiss a Formal Complaint or allegation) for the following reasons:

1. Procedural irregularity affected the determination or dismissal;
2. New evidence has been discovered that was not reasonably available at the time the determination or dismissal was made;
3. Conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker – and that the conflict affected the determination or dismissal.

ii. Appeal Procedures:

A written appeal must be filed with the designated Appeal Decision-Maker within 15 calendar days of receiving the Determination of Responsibility or notice of dismissal.

Upon receipt of a timely appeal, the Appeal Decision-Maker must notify parties in writing of the appeal and implement equal appeal procedures. Each party must have an equal opportunity to submit a written statement supporting or challenging the outcome or dismissal. The Appeal Decision-Maker must review the comprehensiveness and accuracy of the investigation and conclusions, or dismissal, and consider any written statements submitted by the parties.

The Appeal Decision-Maker must send a written decision to the parties simultaneously within 30 days of receiving the appeal.

The appellate decision is the final decision of the District and is not appealable at the school district level. The appellate decision may be appealed pursuant to Massachusetts and Federal laws.

IX. Options Available At Any Time

At any time, whether or not an individual files a report or a Formal Complaint under this Protocol, an individual may file a complaint with the US Department of Education's Office for Civil Rights (OCR), or with other governmental agencies, or may initiate a civil action. If a complaint is filed with the OCR, it must be filed in writing no later than 180 days after the alleged act(s) of discrimination, unless otherwise allowed by OCR.

- Office for Civil Rights, U.S. Department of Education ("OCR")

Washington DC (Metro)
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
Website: www.ed.gov/ocr
Email: OCR.DC@ed.gov
Tel: (202) 453-6020
Fax: (202) 453-6021
TTY/TDD: (800) 877-8339

- Equal Employment Opportunity Commission (“EEOC”)
John F. Kennedy Federal Building
475 Government Center, Boston, MA 02203
Tel: (800) 669-4000
Fax: (617) 565-3196
TTY: 1-(800) 669-6820
- Massachusetts Commission Against Discrimination (“MCAD”)
One Ashburton Place
Boston, MA 02108
Tel: (617) 994-6000
Fax: (617) 994-6024
- Massachusetts Department of Elementary and Secondary Education
Problem Resolution System Office (“PRS”)
75 Pleasant Street
Malden, MA 02148
Email: compliance@doe.mass.edu
Tel: (781) 338-3700
Fax: (781) 338-3710
TTY: (800) 439-2370

Notwithstanding any other remedy, any person may contact the police or pursue a criminal complaint or prosecution under state or federal criminal law.

X. Additional Provisions

1. File Keeping:

All records of the District’s investigation, including the written determinations of responsibility; records of any appeal and associated materials; records of any informal resolution process; materials used to train Title IX Coordinators, Investigators, Decision-Makers, Appeal Decision-Makers, and Informal Resolution facilitators; and records of supportive measures provided in response to a complaint or report of sexual harassment, must be maintained by the District for seven (7) years. All files should be kept confidential.

2. Retaliation Prohibited:

Retaliation against any person for exercising their rights under Title IX is strictly prohibited and is a violation of District policy. Any member of the School Community who believes they, or another School Community member, has been the victim of retaliation, should report the conduct or file a complaint. Students may make a report or complaint to any school faculty, staff, or an administrator. Reports or complaints of retaliation by any other member of the school community should be to the appropriate Title IX Coordinator. Newton Public Schools will investigate all reports or complaints promptly and in an impartial and as confidential a manner as possible, to ensure prompt and appropriate action. Nothing in this section shall limit the exercise of rights protected under the First Amendment of the United States Constitution.

3. Law Enforcement Involvement:

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 Newton Public Schools students are involved or affected.

4. Protected Free Speech:

Nothing in this Protocol is intended to abridge an individual’s right to exercise free speech pursuant to the First Amendment of the United States Constitution.