SECTION A

Foundations and Basic Commitments

AC: NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION 2
ACA: NONDISCRIMINATION ON THE BASIS OF SEX 4
ACAB: SEXUAL & SEX-BASED HARASSMENT AND RETALIATION 7
ACB: EQUAL ACCESS AND ANNUAL EVALUATION OF K–12 PROGRAMMING 12
ACB-R: EQUAL ACCESS AND ANNUAL EVALUATION OF K–12 PROGRAMMING PROCEDURES 13
ACGA: CIVIL RIGHTS GRIEVANCE PROCEDURE 15
ACGB: TITLE IX SEXUAL DISCRIMINATION GRIEVANCE PROCEDURE 22
AC-R: NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION 41
ADF: HEALTH AND WELLNESS POLICY 45
AFA: APPROVAL OF A PRIVATE SCHOOL 48

AC: NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Pembroke Public School Committee and Pembroke Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Pembroke Public Schools.

Pembroke Public Schools does not exclude from participation, deny the benefits of Pembroke Public Schools from or otherwise discriminate against, individuals on the basis of race*, color, sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.

2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.

3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.

4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.

5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on human relations.

6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Pembroke Public Schools requires all members of the school community to conduct

themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REFS: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Acts of 2022, Chapter 117
- https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117

CROSS REF:
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials

SOURCE: MASC July 2024

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

ACA: NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, marital status, familial status, pregnancy or pregnancy-related conditions and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, sexual orientation or gender identity, to all of its students and employees. The Committee will designate an individual to act as the school district's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

The Pembroke Public Schools shall provide a notice of non-discrimination along with the contact information for its Title IX Coordinator as set forth below. The notice shall be given to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with Pembroke Public Schools.

NOTICE OF NONDISCRIMINATION & RELATED TITLE IX INFORMATION

The Pembroke School Committee and the Pembroke Public Schools do not discriminate on the basis of sex and prohibits sex discrimination, including sex-based harassment in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to Pembroke Public Schools' Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. Pembroke Public Schools' litle IX Coordinator is:

Jessica DeLorenzo
Director of Student Services
72 Pilgrim Road
Pembroke, MA 02359
(781) 826-8740
jessica.delorenzo@pembrokek12.org

The Pembroke Public Schools' nondiscrimination policy and grievance procedures can be located at:
https://www.pembrokek12.org/departments/student-services/student-services

or by requesting the information through the Office of Student Services (781} 826-8740. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact Jessica DeLorenzo.

The District shall prominently include all elements of its notice of nondiscrimination set out above on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to persons entitled to notice under this section, or which are otherwise used in connection with the recruitment of students or employees.

LEGAL REFS.:
Title IX of the Education Amendments of 1972
45 CFR, Part 86, (Federal Register, 6/4/75)
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE 603 CMR 26:00

REFERENCE: USDOE Notice of Interpretation -
https://www.ed.gov/news/press-releases/usdepartment-educatjon-confirms-title-ix-prote cts-students-discrimination-based-sexualorientation-and-qender-identity

CROSS REF.: AC, Nondiscrimination Policy Including Harassment and Retaliation

SOURCE: MASC July 2024

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

ACAB: SEXUAL & SEX-BASED HARASSMENT AND RETALIATION

The Pembroke School Committee and the Pembroke Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual and sex-based harassment as provided under MA and Federal law. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Pembroke Public Schools.

Because the District takes allegations of harassment, including sexual harassment, seriously the District shall respond promptly and meaningfully to every known report of sexual harassment and shall investigate every formal complaint of harassment including sexual and sex-based harassment as well as retaliation and following an investigation where it is determined that such inappropriate conduct has occurred, the District shall act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth the District's goals of promoting an environment that is free of harassment including sexual and sex-based harassment, the policy is not designed or intended to limit the District's authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual or sex-based harassment.

Definitions of Sexual Harassment

TITLE IX

Sex-based harassment prohibited by Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including as described in § 106.1O of Title IX, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or Impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment).
3. Specific offenses. (i) Sexual assault (ii) Dating violence; (iii) Domestic violence; (iv) Stalking

TITLE VII

Title VII of the Civil Rights Act of 1964 prohibits sexual harassment which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

M.G.L. c. 151B

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: {a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C

M.G.L. c. 151C, § 2 (g) prohibits the sexual harassment of students in any program or course of study in any educational institution and M.G.L. c. 151C, § 1 {e) defines "sexual harassment" as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a)) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or {b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities; and
- Sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion as well as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent)

Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offenses and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

Allegations of conduct that meet the definition of sexual discrimination, including sex-based harassment under Title IX will be addressed through the Title IX Sexual Discrimination Grievance Procedure. Allegations of conduct that meet the definition of sexual discrimination, including sex-based harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Discrimination Grievance Procedure.

The District's Title IX Grievance Procedure is available at:
https://www.pembrokek12.org/departments/student-services/student-services.

Allegations of conduct that do not meet the definition of sexual discrimination, including sex-based harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedure. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

The District's Civil Rights Grievance Procedure is available at:
https://www.pembrokek12.org/departments/student-services/student-services.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Pembroke Public Schools to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Complaints may contact the District's Title IX Coordinator and may also report a complaint to each school's principal.

Jessica DeLorenzo
Director of Student Services
72 Pilgrim Road
Pembroke, Ma. 02359
(781) 826-8740
jessica.delorenzo@pembrokek12.org

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

The Mass. Commission Against Discrimination,
1 Ashburton Place, Room 601
Boston, MA 02108
Phone: 617-994-6000

Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109
Phone: 617-289-0111

The United States Equal Employment Opportunity Commission
John F. Kennedy Bldg.
475 Government Center

Boston, MA 02203

LEGAL REF.:
M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a}-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020
Title IX Sexual Discrimination Grievance Procedure

CROSS REF.: ACGA, Civil Rights Grievance Procedure

SOURCE: MASC

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

ACB: EQUAL ACCESS AND ANNUAL EVALUATION OF K–12 PROGRAMMING

The Pembroke School Committee reaffirms its commitment to ensuring that all students have equal access to the district's educational programs, athletics, and extracurricular activities. In accordance with 603 CMR 26.07(1) and (4) and all applicable state and federal laws, the Committee requires that all aspects of the K–12 school program be annually evaluated to ensure that all obstacles to equal access are identified and removed.

Pembroke Public Schools (PPS) shall provide equal educational opportunities to all students regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status. No student shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any academic course, vocational program, athletic activity, or extracurricular opportunity.

The Superintendent, as the agent of the School Committee, shall promote, direct, and monitor procedures to ensure compliance with this policy and 603 CMR 26.00, and shall make recommendations to the Committee for any policies, program changes, or budgetary allocations needed to achieve full adherence.

This includes an annual evaluation of all aspects of the K-12 school program to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. makes such changes as are indicated by the evaluation.

Legal References:

- State Regulations: 603 CMR 26.07(1), (4)
- Federal Requirements:
- • Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d; 34 CFR 100.3(b)(2))
- • Equal Educational Opportunities Act (20 U.S.C. §1703(f))
- • Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)
- • Title II of the Americans with Disabilities Act (42 U.S.C. §12132; 28 CFR 35.130(b)(3))
- • Individuals with Disabilities Education Act (IDEA)
- • Every Student Succeeds Act (ESSA), Title III, Part A, Sec. 3121
- • McKinney-Vento Homeless Assistance Act

First Read: November 18, 2025

ACB-R: EQUAL ACCESS AND ANNUAL EVALUATION OF K–12 PROGRAMMING PROCEDURES

I. Oversight and Leadership

The Superintendent shall oversee the implementation of this policy and assign responsibility to the Strategic Leadership Team (SLT), composed of district administrators and content area supervisors, to conduct the Annual Equal Access Review. The Superintendent shall annually report findings and recommendations to the School Committee, including any proposed revisions to policy, programming, or resource allocation.

II. Annual Equal Access Review

The district shall conduct a comprehensive annual review of all K–12 programs to ensure equitable access and participation. The review shall include the collection and analysis of data from the following categories:

- Demographics: Gender, race, disability, ELL, and economically disadvantaged status
- Academic Programs: Enrollment and participation in core, advanced, and AP courses
- Athletics and Extracurricular Activities: Participation rates across demographic subgroups
- Visual and Performing Arts: Enrollment and performance participation data
- Discipline and Climate: Suspension, bullying, harassment, and discrimination reports
- Special Programs: ELL, Special Education, Homeless, and Foster Care services
- Policy and Procedure Review: Admissions, residency, anti-bullying, physical restraint, and harassment procedures
- Professional Development: Records of staff training related to civil rights, diversity, and inclusion

The Strategic Leadership Team shall conduct Equity Data Walks to evaluate the above data, identify disparities, and discuss possible contributing factors.

III. Stakeholder Engagement

To ensure diverse input and continuous improvement, Pembroke Publics Schools will engage multiple stakeholders in the annual review process, including but not limited to:

- Diversity, Equity, and Inclusion (DEI) Working Group
- School Councils and Parent/Teacher Organizations (PTOs)
- Special Education Parent Advisory Council (SEPAC)
- School Committee Student Representatives
- Pembroke High School Student Advisory Committee
- District-administered surveys (VOCAL, NEASC, bullying prevention, athletics, special education, professional development)

IV. Identification of Barriers and Development of Action Plan

When inequities or barriers are identified, the Superintendent shall direct the development of a District Action Plan to address such findings. The Action Plan shall define the concern, outline specific strategies to eliminate barriers, assign responsible parties, establish measurable outcomes and timelines, and specify how progress will be monitored and reported.

- Revising admission procedures or participation criteria
- Increasing access to advanced coursework
- Expanding translation and communication supports
- Reviewing participation requirements for equity
- Allocating resources to ensure equitable opportunities

VI. Continuous Monitoring

Pembroke Public Schools will continuously monitor access and participation across all educational programs. The district will provide ongoing training to staff, review policies for alignment with state and federal regulations, and maintain transparent communication with students, families, and the community.

Legal References:
- State Regulations: 603 CMR 26.07(1), (4)
- Federal Requirements:
- • Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d; 34 CFR 100.3(b)(2))
- • Equal Educational Opportunities Act (20 U.S.C. §1703(f))
- • Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)
- • Title II of the Americans with Disabilities Act (42 U.S.C. §12132; 28 CFR 35.130(b)(3))
- • Individuals with Disabilities Education Act (IDEA)
- • Every Student Succeeds Act (ESSA), Title III, Part A, Sec. 3121
- • McKinney-Vento Homeless Assistance Act

First Read: November 18, 2025

ACGA: CIVIL RIGHTS GRIEVANCE PROCEDURE

The Pembroke Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, 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 Pembroke 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 Title IX Sexual Discrimination Allegations

This policy (ACGA, Civil Rights Grievance Procedure) shall not apply to reports of sexual 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 sexual harassment under Title IX shall be addressed through the District's Title IX Sexual Discrimination Grievance Procedure (ACGB). Similarly, allegations of conduct that meet the definition of sex-based harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Discrimination Grievance Procedure (ACGB).

Allegations of conduct that do not meet the definition of harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure.*

Definitions
For the purposes of this Procedure:

A. "Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, 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, sex, sexual orientation, gender identity, 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 interferes with an individual's participation in, denies the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
(a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

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. Off-campus conduct may constitute harassment if it creates a hostile environment at school for the victim; however, 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 their rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance 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 these procedures and/or the Title IX Sexual Harassment Grievance 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.

How to make a complaint

Any student or employee who believes that they have been discriminated against or harassed should report their concern promptly to the Principal, Civil Rights Coordinator or Human Resources Manager. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a 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 another 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, Civil Rights Coordinator or Human Resources Manager, identified below. Any District employee who observes discrimination, harassment or

retaliation against a student should intervene to stop the conduct and report it to the 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, Civil Rights Coordinator or Human Resources Manager, the employee shall report the incident to the Superintendent or designee.

B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal, Civil Rights Coordinator or Human Resources Manager The District shall inform anyone making an informal report that they 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 formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, 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. 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, Principal or Human Resources Manager. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.

F. Initial Assessments: The Civil Rights Coordinator, Principal or Human Resources Manager will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator, Principal or Human Resources Manager may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination 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 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 the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim 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 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 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 three (3) weeks 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 school, the District will make reasonable efforts to complete the investigation but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, they will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed. Any interim 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 will 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. 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 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; however, failure to provide notice of appeal shall not constitute a violation of this policy.
   The school district administration may also refer the offender for disciplinary procedures 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 the Superintendent, Pembroke Public Schools 72 Pilgrim Road Pembroke, Massachusetts 02025. 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 Coordinator for complaints of discrimination, harassment, and retaliation under this Procedure is:

Jessica DeLorenzo
Director of Student Services
72 Pilgrim Road Pembroke, MA 02359
(781) 826-8740

jessica.delorenzo@pembrokekl2.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 REFS.:

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;

CROSS REFS.:

IlCR FB, Bullying Prevention

AC, Nondiscrimination

ACGB, Title IX Sexual Discrimination Grievance Procedure

SOURCE: MASC July, 2024

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

ACGB: TITLE IX SEXUAL DISCRIMINATION GRIEVANCE PROCEDURE

OVERVIEW

The Pembroke Public Schools is committed to maintaining school environments free of sexual discrimination.

Sexual discrimination in any form or for any reason is prohibited. This includes sexual discrimination by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, marital status, familial status, pregnancy or pregnancy-related conditions and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Retaliation against any individual who has brought sexual discrimination to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Pembroke Public Schools.

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

SCOPE

The Title IX Sexual Discrimination Grievance Procedure has been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 1, 2024, which mandate specific procedures for responding to and investigating allegations of sexual discrimination under Title IX. This Grievance Procedure applies to all allegations of sexual discrimination under Title IX, including sex-based harassment which is further defined in the Definitions section below. For the purposes of this procedure the term "sexual discrimination" shall include the terms "sex-based harassment" and "sexual harassment" except as may otherwise be distinguished.

The Title IX Sexual Discrimination Grievance Procedure applies to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. Additionally, this Grievance Procedure applies to the District's obligation under Title IX to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States. A District education program or activity includes locations, events, or circumstances over

which the District exercised substantial control over both the respondent and the context in which the sexual discrimination occurred.

Allegations of conduct that meet the definition of sexual discrimination, including sex-based harassment under Title IX will be addressed through the Title IX Sexual Discrimination Grievance Procedure. Allegations of conduct that meet the definition of sexual discrimination, including sex-based harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Discrimination Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual discrimination, including sex-based harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedure. (See exception under Section IT, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

Essential Requirements of Title IX **Grievance Procedure:**

A. The Pembroke Public Schools will treat complainants and respondents equitably.

B. The Pembroke Public Schools requires that any Title IX Coordinator, investigator, or decision-maker 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 be the same person as the Title IX Coordinator or investigator.

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

D. The Pembroke Public Schools has established timeframes for the major stages of the grievance procedures which are set forth in detail below. See: II Filing a Title IX Formal Complaint

E. The Pembroke Public Schools allows for the reasonable extension of time frames on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay as set forth below. See II. Filing a Title IX Formal Complaint, Step (10); Step 10, paragraphs (2) and (6).

F. The Pembroke Public Schools will take reasonable steps to protect the privacy of the parties and witnesses and keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and

Privacy Act (FERPA), as otherwise required by law, and/or as necessary during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

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

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

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

I. 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 (IBP) team, 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.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual discrimination under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this Procedure the terms "complainant" and "alleged victim,, shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX Coordinator, that:

(1) alleges sexual discrimination against a respondent; and
(2) requests that the District investigate the allegation of sexual discrimination
At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

Sex-Based: Under Title IX, Sex-Based is a form of sexual discrimination which includes three (3) types of misconduct based on sex:
(1) any instance of quid pro quo harassment by a school employee;
(2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
(3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.
  For the purposes of the definition of sexual assault, the term "consent" shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a "course of conduct" directed at a specific person that would cause a "reasonable person" to fear for the person's safety or the safety of others or suffer "substantial emotional distress."

For the purposes of this definition:

"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

"Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual discrimination

Superintendent: The Superintendent or Superintendent's designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual discrimination

- Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual discrimination
- Supportive measures available to complainants and respondents include but are not limited to: 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 locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual discrimination has occurred.

Title IX **Coordinator:** Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL DISCRIMINATION

A. Who May Report Sexual Discrimination: Anyone may report an allegation of sexual discrimination.

B. How to Report Sexual Discrimination: Individuals are encouraged to report allegations of sexual discrimination to the Title IX Coordinator, the Principal or Human Resources Manager, but any District employee who receives a report of sexual discrimination will respond to the report as outlined below.

C. Internal Reporting: Any District employee who receives a report of sexual discrimination shall respond by promptly informing the Principal, Title IX Coordinator or Human Resources Manager of the report. Any District employee who observes sexual discrimination of a student should intervene to stop the conduct and shall promptly inform the Principal, Title IX Coordinator or Human Resources Manager of the incident. If a report involves an allegation against the Principal, Title IX Coordinator or Human Resources Manager, the

District employee shall instead report the allegation to the Superintendent. Any Principal who receives a report of sexual discrimination shall promptly inform the relevant Title IX Coordinator of the report.

D. District's Response to Report: The District will respond to all reports of sexual discrimination promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

(1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
(2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
(3) Consider the complainant's wishes with respect to supportive measures;
(4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
(5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complainant will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

A. Who may file a Title IX Formal Complaint: Although anyone may report sexual discrimination, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. Processing of a Tide IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

(1) A Formal Complaint shall state (if known to the reporter or alleged victim)

the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct.

(2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.

(3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school district with which the Formal Complaint is filed.

(4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this Procedure, and by any additional method designated by the school.

(5) Consolidation of Formal Complaints: The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable. The District is not permitted to consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the District obtains prior written consent from the parents or a student who has reached 18 years of age to the disclosure of their education records.

(6) The District may consider the use of the Informal Resolution Process with the consent of the parties. See Section II(E).

(7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section l(D).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice to the parties which shall include:

1) The District's Title IX grievance procedures and any informal resolution process;

2) Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);

3) A statement prohibiting retaliation.

4) A statement prohibiting knowingly submitting false information;

5) A statement that the respondent is presumed not responsible for the alleged conduct;

6) That a determination regarding responsibility 1s made at the conclusion of the grievance process;

7) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and

8) That the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the District provides a description of the evidence the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of the investigation, the District decides to investigate allegations of sexual discrimination that are not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

1) The District may dismiss a complaint of sex discrimination if:
   - The District is unable to identify the respondent after talcing reasonable steps to do so;
   - The respondent is not participating in the District's education program or activity and is not employed by the District;
   - The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
   - The District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

2) Upon dismissal, the District will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent simultaneously of the dismissal and the basis for the dismissal.

3) The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
   - Procedural irregularity that would change the outcome;
   - New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
   - The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

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

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

6) Dismissal of a Formal Complaint 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 Code of Conduct, and/or a collective bargaining contract, 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 the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any 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 Complaint resolution process:

1) The District will provide for adequate, reliable, and impartial investigation of complaints.
2) Standard of Proof: The decision maker shall make factual findings based on a preponderance of the evidence standard.
3) The burden is on the District -not on the parties-to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
4) The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
5) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
6) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
7) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
8) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
9) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do **so.**
10) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. If a complaint or report of sexual discrimination is received within three (3) weeks 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 school, the District will make

reasonable efforts to complete the investigation within the applicable time frames, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Access and Respond to Evidence: The District must provide the parties with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. send the parties, and their advisor(s) (if they have one), in electronic format or hard copy. If the District provides a description of the evidence it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

(1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.

(2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy. A copy of the Investigative Report will also be sent to the decision-maker. The decision-maker shall not be the same person as the Title IX Coordinator or investigator unless the District has otherwise provided for the same in this Grievance Procedure and has specifically sets forth under what circumstances the single-investigator model may be used.

Step 8: Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the Title IX Coordinator directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the Title IX Coordinator shall afford both the complainant and the respondent the opportunity to submit to the Title IX Coordinator, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

(1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

(2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the Title IX Coordinator in writing.

a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
b. Questions that are not relevant will be excluded, and the Title IX Coordinator shall explain to the party posing the question the reason(s) for excluding any question.

(3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.[1]

(4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the Title IX Coordinator in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.

(5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:

(1) The decision-maker shall issue a written determination of

responsibility for any sex discrimination that was determined to have occurred under Title IX. The determination shall be sent to all parties and shall include a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.

(2) Standard of Proof: The decision-maker shall make factual findings to determine whether sex discrimination occurred based on a preponderance of the evidence standard. The standard of proof 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 sex discrimination occurred, whatever the quantity of the evidence is, the decision-maker will not determine that sex discrimination occurred.

(3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

(4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.

(5) The written determination must be sent simultaneously to both parties.

(6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.

C. Remedies: If the decision-maker determines that sexual discrimination has occurred, the Title IX Coordinator will, as appropriate:

(1) Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;

---

[1] The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or

any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

(2) Eliminate the harassing environment, which must include but need not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
(3) Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

D. Discipline: Persons who engage in sexual discrimination or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements. The Title IX Coordinator will, as appropriate:
(1) Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions
(2) Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
(3) Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
(4) Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.

No discipline may be imposed on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

Not withstand the above paragraph 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 Code of Conduct, and/or a collective bargaining contract, 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 the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

E. Informal Process: At any time prior to determining whether sex discrimination occurred pursuant to the district's grievance procedure, the district, at its discretion, may opt to offer and facilitate informal resolution options, such as mediation or restorative justice. The district may determine whether or not it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.

(1) The informal resolution process is not available to resolve allegations that an employee engaged in sex-based harassment of a student or such a process would conflict with Federal, State or local law.
(2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process. The District, as a condition of participation, must not require the parties to waive the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or the exercise of any other right.
(3) The informal process shall not exceed thirty (30) calendar days, during which time the timelines of the Formal Complaint process will be stayed.

(4) During the informal process the Title IX Coordinator shall take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

F. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual discrimination justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat

presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

G. Anonymous Reports: The District may be on notice of an allegation of sexual discrimination through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual discrimination identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual discrimination in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.

H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
   (1) procedural irregularity that affected the outcome of the matter;
   (2) newly discovered evidence that could affect the outcome of the matter; and/or
   (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

   An appeal may be made to the Superintendent or designee within ten (10) calendar days after receiving the determination of responsibility or dismissal. Appeals must be made in writing (email is sufficient) to the Superintendent, Pembroke Public Schools 72 Pilgrim Road Pembroke, Massachusetts 02359 eobey@pembrokekl2.org

   The Superintendent or designee shall:

   (1) Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent;
   (2) Implement appeal procedures equally for the parties;
   (3) Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
   (4) Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging the outcome;
   (5) Decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal.

In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual discrimination in accordance with this Procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years:
   (1) For each complaint of sex discrimination, records documenting the informal resolution process and/or the grievance procedures and the resulting outcome.
   (2) For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or records documenting the actions the District took to meet its obligations under Title IX.
   (3) For all training all materials used to provide training to meet its obligations under Title IX. A District must make these training materials available upon request for inspection by members of the public.

J. 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, MA02203-0506; 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

K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual discrimination:

- Title IX Coordinator: Jessica DeLorenzo, Director of Student Services 72 Pilgrim Road Pembroke, MA. 02359, (781) 826-8740 jessica,delorenzo@pembrokekl2.org

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the District's website.

LEGAL REFS.:

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;
Title IX of the Education Amendments of 1972; the Age Act;
M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5

CROSS REFS.:

IlCRFB, Bullying Prevention
AC, Nondiscrimination
ACGA, Civil Rights Grievance Procedure
JK, Student Discipline

SOURCE: MASC July 24

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

AC-R: NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Pembroke Public Schools will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred,

The Pembroke Public Schools will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action. Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Definitions "Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race*, color, sex, sexual orientation, gender identity, sex stereotypes, sex characteristics, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law.

Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of the Pembroke Public Schools; or (ii)

creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect

of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

Harassment includes Sexual Harassment and Sex-Based Harassment which are more specifically addressed in Policy GBAA.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or other Federal or State law providing protection against sex discrimination including sexual and sex-based harassment, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing as provided under District's, including in an informal resolution process, in grievance procedures and in any other actions taken by the District under§ 106.44{f){1) of Title IX.

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Pembroke Public Schools. The following individual is also designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Pembroke Public Schools. In addition, the following individual is the District 504 Coordinator.

Jessica DeLorenzo
Director of
Student Services
72 Pilgrim Road
Pembroke, Ma 02359
(781} 826-8740
jessica.delorenzo@pembrokek12.org

Inquiries concerning the Pembroke Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources.

Inquiries about laws, statutes, regulations and compliance may also be 3 directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr

*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REFS.:
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Title IX, Education Amendments of 1972
Rehabilitation Act of 1973 Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Acts of 2022, Chapter 117
https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117

CROSS REF:
GBAA, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
Title IX Sexual Discrimination Grievance Procedure
Civil Rights Grievance Procedure

SOURCE: MASC July 2024

1st Read: November 12, 2024
2nd Read & Adoption: December 3, 2024

ADF: HEALTH AND WELLNESS POLICY

The Pembroke School District will:

A. Provide a comprehensive learning environment for developing and practicing lifelong wellness behaviors.
The school environment, not just the classroom, shall be aligned with healthy lifestyle goals to positively influence a student's understanding, beliefs, and habits as they relate to good nutrition and regular physical activity.

B. Support and promote proper dietary habits contributing to students' health status and academic performance.
All foods available to students on school grounds and at school-sponsored activities during the instructional day should meet or exceed the district nutrition standards. Emphasis should be placed on foods that are nutrient dense per calorie. To ensure high quality, nutritious meals, foods should be served with consideration toward variety, appeal, taste, safety, and packaging. No soda or candy is to be sold on school grounds to students during the instructional day.

C. Provide more opportunities for students to engage in physical activity.
A quality physical education program is an essential component for all students to learn about and participate in physical activity. The primary goal of physical education is for all students to develop the skills and knowledge necessary to not only participate in specific physical activities, but to understand the short and long-term benefits of a physically active and healthy lifestyle. Physical activity should be included in a school's education program. Physical activity should include regular instructional physical education, in accordance with the Massachusetts Health Curriculum Framework and the National Standards for Physical Education (NASPE), and district requirements as well as co-curricular activities, and recess. All physical education classes will be taught by certified Physical Education Teachers.

D. Maintain a district-wide Wellness Advisory Council to:
- develop guidance to explicate this policy
- evaluate policy progress
- serve as a resource to school sites, and
- revise policy as necessary

Student Nutrition
The School Breakfast/Lunch Programs:
· The full meal school lunch program will continue to follow the USDA Requirements for Federal School Meals Programs.
· Plans for a school breakfast program, which will follow the USDA Requirements for Federal School Meals Programs, will be explored for feasibility.
· The School Food Service Program provider will follow the District's Nutrition Standards when determining the items in a la carte and "competitive foods" sales.
· The Food Service Director will work closely with the Nutrition & Wellness Advisory Council.

Fundraising:
· All fundraisers involving food will be limited to before and after the instructional day. Fundraisers with more than 10 items for sale are encouraged to include at least *one* item that meets the District's Nutrition Standards.

· The Federal Food Code prohibits the sale of foods which are not prepared under the supervision of a trained food preparation specialist. Therefore, for health and safety reasons, homemade foods are prohibited for sale in fundraisers by school sponsored groups.

Teacher-to-Student Incentive:

· Employees will not use foods or beverages as direct rewards for academic performance or good behavior, and will not withhold food or beverages as a punishment;

· Employees are encouraged to use physical activities (e.g., extra recess, physical education time, etc…) as direct rewards for academic performance or good behavior.

Sharing of Food and Beverages

Pembroke Public Schools will discourage the sharing or trading of foods or beverages between students. Foods will not be used to celebrate birthdays and/or holidays in any school. This policy does not affect (personal) snacks brought in from home by Pre-K-12 students.

Student Nutrition Education:

The Pembroke School District has an integrated curriculum approach to nutrition in Kindergarten through 12th grade. Instructional staff will be encouraged to integrate nutritional themes into lessons when appropriate. The health benefits of good nutrition should be emphasized.

Parent Nutrition Education:

· Nutrition education will be made available to parents beginning at the elementary level. The goal will be to continue to educate parents throughout middle and high school levels.

· Nutrition education may be provided in the form of handouts, postings on the district website, articles and information provided in district or school newsletters, presentations that focus on nutritional value and healthy lifestyles.

Staff Nutrition & Physical Activity Education:

Healthy lifestyle opportunities may be made available to all school staff at the elementary, middle and high school levels. These opportunities may include, but not be limited to, the distribution of educational and informational materials and the arrangement of presentations and workshops that focus on nutritional value and healthy lifestyles, health assessments, fitness activities, and other appropriate nutrition and physical activity-related topics.

DISTRICT NUTRITION STANDARDS

Nutrition Standards Intent/Rationale:

The Pembroke School District strongly encourages the sale or distribution of nutrient dense foods for all school functions and activities. Nutrient dense foods are those foods that provide students with calories rich in the nutrient content needed to be healthy. In an effort to support the consumption of nutrient dense foods in the school setting, the district has adopted the following nutrition standards governing the sale of food and beverages to students on school grounds during the instructional day. The policy will be implemented in consistency with the Federal National Guidelines. http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm

Food:

Encourage the consumption of nutrient dense foods, i.e. WHOLE GRAINS, FRESH FRUITS, VEGETABLES, and DAIRY PRODUCTS.

Beverages:

ONLY Milk, Water, 100% fruit juices, and sports drinks may be sold to students on school grounds throughout the instructional day.

Candy:
Vending and non-vending sales of candy to students will not be permitted on school grounds during the instructional day.
Recoded: 4.36 Policy

Adoption: 5/27/14
1st Reading: 4/29/14
2nd Reading: 5/27/14

Draft Revision: 3/18/2014
Revised: 12/4/12
ADOPTED: 5/11/2004

AFA: APPROVAL OF A PRIVATE SCHOOL

Massachusetts General Laws, Chapter 76: Section 1 states that:

> *"The School Committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching, and, in order to protect children from the hazards of traffic and promote their safety, cities and towns my appropriate money for conveying pupils to and from any schools approved under this section."*

When a private school that is proposed to open within the borders of the Town of Pembroke, the School Committee will approve or not approve the private school based on documentation provided by the applicant, including but not limited to categories listed below. School Committee approval solely indicated that it is satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in progress made therein, that of the public schools in the Town of Pembroke. Upon approval, the proposed school will need to comply with all other requirements of statue and regulations prior to opening. The Committee will consider the review of the documentation and recommendations by at least two (2) personnel designated by the Superintendent, whom may include, but not limited to, the School Business Manager, Director of Student Services, and Assistant Superintendent of Curriculum & Instruction prior to voting on the approval request.

1. **Population to be served**
   - Admissions criteria; documentation of school's enrollment

2. **Physical Plant/Safety**
   A. The school shows evidence of current
      - Elevator Inspection
      - Fire Inspection
      - Certificate of Occupancy
      - Compliance with lead paint poisoning (for children under 6 years old)
      - Compliance with other applicable federal and state health and safety standards (e.g. PCB, asbestos inspections, handicap accessibility)

   B. The site, plant and equipment adequately support the program and are operated to ensure safety and health of the students.

3. **Curriculum**
   A. The curriculum offered is "equivalent" to that offered in the local school system generally and, specifically the Massachusetts Curriculum Frameworks and Common Core State Standards, in terms of the following instructional areas.
      - Mathematics
      - Science and Technology
      - History and Social Studies
      - English/Language Arts
      - Foreign Language
      - The Arts
      - Physical Education & Health

4. **Educational Materials**
   Textbooks and/or individual instructional materials (including computer and other technology) are adequate.

5. **School Staff**
   Assessment of "thoroughness and efficiency" of instruction based on:
   - Teacher qualifications
   - Adequate student/teacher ratio
   - Regular evaluation of staff
   - CORI background checks

6. **Administration**
   School possesses clearly defined table of organization that facilitates its objectives.

7. **Records**
   A. An adequate system of student records (e.g., attendance, health, discipline, progress reports) is fairly maintained
   B. The student records are kept in compliance with state statutes and regulations as applicable.

8. **Student Services**
   The Special Education services provided for all students are balanced and comprehensive (e.g., recreation programs, health care procedures, guidance and counseling programs, discipline policy).

9. **Financial Support**
   A. Evidence of financial solvency is provided and indicates that the school can adequately sustain the educational program.
   B. Documentation of the school's legal status; if the school is incorporated, copies of the articles of incorporation and certification of tax exempt status, if any.

10. **Student Learning Time**
    Length of school year and hours of instruction in each subject equal that of the public school.

11. **Student Performance Assessment**
    Methods for periodic evaluation of students' skills, competencies and knowledge are clearly defined.

1ST Reading: June 7, 2016
2nd Reading: July 12, 2016
ADOPTED: July 12, 2016