Grievance Procedure for Complaints of Sexual Harassment under Title IX of the Education Amendments of 1972

The following grievance procedures apply to all complaints made by students or staff of sexual harassment, sexual assault or sexual violence under Title IX of the Education Amendments of 1972 and in accordance with School Committee Policy ACAB.

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

I. Reporting of Sexual Harassment Complaints

A. How to Report a Complaint of Sexual Harassment

Students and employees who believe they have experienced or witnessed sexual harassment should notify the District's designated Title IX Coordinator, Mrs. Shari Haire, 508-9430104, extension 40029. If the complaint concerns allegations against the Title IX Coordinator, then the complaint should be filed with the Superintendent or designee.

Employees who witness sexual harassment or have a reasonable belief that it is occurring, are required to report it immediately to the Title IX Coordinator.

Reports of sexual harassment may also be made by employees to their direct supervisor and by students to a teacher, counselor, school nurse or building administrator, who shall immediately bring such report to the attention of the Title IX Coordinator.

The complaint may be filed by the alleged by the victim or any other party. Any person filing a complaint is encouraged to do so within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

B. Handling of Sexual Harassment Complaints

All complaints shall be processed in a fair, expeditious and confidential manner. The Title IX Coordinator is responsible for overseeing the complaint response, including implementation of supportive measures and the grievance/appeal process. In doing so, the Title IX Coordinator may delegate certain duties to a designee. Complaints can be investigated by a building administrator, district-level staff member, or the Title IX Coordinator. The decision-maker must be a separate individual from the investigator. The Title IX Coordinator (or designee), investigator and decisionmaker shall not have a conflict of interest or bias. All Title IX personnel shall receive appropriate training in accordance with Section VIll below.

II. Supportive Measures and Filing of a Formal Complaint

A. Supportive Measures

Once a report of sexual harassment has been received, the Title IX Coordinator or designee will promptly contact the alleged victim (the "Complainant") to discuss the availability of supportive measures and consider the Complainant's wishes with respect to supportive measures, The District must investigate sexual harassment allegations in any formal complaint. The District must inform the Complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the
Complainant the process for filing a formal complaint. Supportive measures shall also be offered to the Respondent as necessary to ensure continued and equal access to the education program and/or activity during any investigation.

"Supportive measures" are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures must be offered to both the Complainant and the Respondent, and may include, but not be limited to" no contact orders, change of class schedules, modifications of assignments/work, leaves of absence, increased security and monitoring of certain areas of the campus, and other appropriate measures,

In addition to the above supportive measures, the District, in its discretion, may consider the emergency removal of a student in accordance with applicable student discipline regulations. The District may place an employee on paid administrative leave during the course of an investigation of sexual harassment allegations against said employee as determined appropriate and consistent with any applicable collective bargaining agreement.

B. Filing a Formal Complaint

A formal complaint may be filed in writing by the Complainant or presented verbally and put into writing and signed by the Title IX Coordinator or designee. The District will respect the wishes of the Complainant with respect to whether the District investigates a report of sexual harassment, 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.

C. Contents of a Formal Complaint

A formal complaint is signed by a Complainant or the Title IX Coordinator or designee alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator or designee in person, by mail, or by electronic mail, by using the contact information set forth herein.

The District must investigate sexual harassment allegations in any formal complaint. If the allegations in the formal complaint do not meet the definition of sexual harassment as set forth under Title IX, or did not occur in the District's education program or activity, the District must dismiss such allegations for the purposes of Title IX, but may still address the allegations in any manner that the District deems appropriate consistent with its policies, procedures and code of conduct, including but not limited to its anti- bullying policies and plan.

III. <u>Informal or Formal Resolution of Complaint</u>

The District must offer the Complainant a formal resolution process and may offer an informal resolution process. If the District does not provide the option of informal resolution, the formal resolution process shall be followed.

A. Informal Resolution Process

If the District elects to offer an informal resolution process, such process shall be offered and implemented at the election of the Complainant and only after receipt of voluntary, informed, written consent of both the Complainant and the Respondent. The
Complainant may elect informal resolution of a complaint at any time prior to a final determination by the decisionmaker. This may include conciliation and/or mediation by an individual trained to

conduct such processes. At any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and resume the formal complaint grievance process.

The District shall not offer an informal resolution process when a student alleges sexual harassment by staff.

B. Formal Resolution Process

The formal complaint process will comply with the grievance procedures outlined below.

IV. Grievance Procedure

In accordance with Title IX and its supporting regulations, the District shall implement the following process when investigating formal complaints of sexual harassment:

A. The Complainant and Respondent will be treated equally throughout the investigation process and be provided with written notice of the allegation (including sufficient details known at the time and with sufficient time to prepare a response before any initial interview), the grievance process, the range of possible remedies the District may provide a Complainant and disciplinary sanctions the District might impose on a respondent, following determinations of responsibility, Both parties have the right to have a representative/advisor participate in the process on their behalf.

B. Any interim supportive measures, as appropriate, will be offered to both parties.

C. The investigator will conduct an objective evaluation of all available evidence. This shall include an interview of both the Complainant and the Respondent, during which each party shall have a full opportunity to state their case through the presentation of witnesses and other evidence. Witnesses and other persons relevant to the complaint, if any, may also be interviewed. Please note that, during the investigation, rape shield protections apply to the Complainant and Complainants may generally not be asked about their prior sexual behavior.

D. During the investigation process, the parties shall not be prohibited from discussing the complaint or collecting evidence.

E. The investigation shall be completed in a reasonable time frame within thirty (30) school days except for good cause. Good cause may include, but not limited to, unavailability of a party, concurrent pending law enforcement investigation, or need for interpreter or accommodation of any party or witnesses' disability.

F. During the investigation, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.

G. The investigator will make findings based on a preponderance of the evidence standard.

H. The investigator will not request or solicit information from any party or witness that constitutes disclosure of information that is protected under a legally recognized privilege, unless the holder of the privilege voluntarily waives the privilege.

I. Prior to the conclusion of the investigation, and at least ten (10) calendar days prior to completion of the investigation, the Complainant and Respondent will both be provided a copy of the investigation report and an opportunity to submit any additional information they would like considered by the investigator before their report is finalized. Both parties shall be provided the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

J. Once the investigation has been completed, the investigator will submit their investigation report, with recommendations with regard to responsive measures, to the decisionmaker. The Complainant and Respondent shall also be advised, in writing, of the investigator's findings and recommendations.

K. The decisionmaker will review the investigation report and hold a disciplinary hearing with the Respondent, in accordance with applicable procedures (for student or employee).

L. The decisionmaker will advise both parties of the final determination and any related remedial/responsive measures in a manner that complies with applicable laws regarding student confidentiality and appeal rights. The Respondent will be notified of any disciplinary action and other remedial measures, if the complaint is substantiated. Notice of such final determination will be made in writing and sent simultaneously to the parties along with information about how to file an appeal.

V. <u>Disciplinary Action</u>

If a complaint is substantiated, the District will act promptly to eliminate the behavior and will refer the matter to the proper supervisor or administrator for appropriate responsive measures, including but not limited to disciplinary action and restoring a sense of safety for the Complainant. For students, discipline will be imposed consistent with the Code of Conduct and Massachusetts Student Discipline Law.

Discipline of employees will be consistent with collective bargaining procedures, if applicable, and may include disciplinary action up to and including dismissal.

Responsive measures will also include any steps necessary to prevent the recurrence of any discrimination and/or harassment and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate.

VI. Retaliation Prohibited

Retaliation in any form against any person because of or related to a sexual harassment or retaliation complaint, or because of or related to cooperation with an investigation of a sexual harassment or retaliation complaint, is unlawful and prohibited. Retaliation is also prohibited against any individual that participates or chooses not to participate in the grievance process. If retaliation occurs, it could be considered grounds discipline, up to and including suspension and/or discharge for employee(s), and appropriate disciplinary action for students.

VII. Appeal Procedure

Both parties have the right to appeal the decisionmaker's determination to the Superintendent or designee. Any appeal should be submitted in writing to the Superintendent within ten (10) calendar days of receipt of the final determination.

The Superintendent or designee in reviewing the appeal may consider the following factors:

A. Was there any procedural irregularity with the investigation process?
B. Is there any new evidence not reasonably available at the time of the investigation?
C. Did the Title IX investigator have a conflict of interest?

The decision of the appeal process is final and is not subject to further review by the School Committee.

VIII. Training Requirements

All Title IX personnel including Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process shall receive training as required by Title IX and its supporting regulations. All training materials shall be made available to the public for inspection upon request.

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