



Haverhill School Committee

Policy Subcommittee

July 14, 2020

Mrs. Linda Koutoulas, City Clerk
Four Summer Street, Room 118
Haverhill, MA 01830

Dear Mrs. Koutoulas:

The Haverhill School Committee Policy Subcommittee will meet remotely on Friday, July 17, 2020, at 8:30 a.m. The subcommittee meeting can be viewed by submitting a request through

https://docs.google.com/forms/d/1mPpRzWJoj5NeSR_SCsKQArENDvrcWq-wcs8gu-q&r1c/edit

Agenda

1. Development of the following policies:
 - Remote Work Policy
 - Chromebook 1 to 1 policies
 - Registration
 - Remote Learning Policies suggested by MASC
2. Development of COVID Specific Policies:
 - Transportation policies during COVID
 - Policies re: PPE - Staff / Students
 - Visitors to Buildings
 - Assemblies/Field Trips/Gatherings
 - Title IX Updated Policies
3. Next proposed meeting: Thursday, July 30, 2020 or Friday, July 31, 2020

Sincerely,



HPS Student Chromebook Policy

Personal Responsibility

It is the responsibility of the assigned user to maintain their device with the best care possible and to communicate any issues with their classroom teacher. If the device does not work for academic purposes, it can be swapped with a daily spare (returned at the end of the school day) from the students' school until a replacement device is ready for take-home use. If physical, purposeful damage occurs on an HPS issued device, appropriate discipline can be issued by the school. Multiple occurrences of damage may result in the loss of privilege of the take-home device.

Policies

- I agree to abide by the HPS Technology Acceptable Use Policy, the Family and Student Chromebook Expectations, and all local, state, and federal laws.
- I agree that my use of HPS technology is for educational purposes only.
- I agree that use of Haverhill Public Schools' technology is a privilege. I am responsible for the proper care of my HPS-issued Chromebook. I understand that this device will be issued to me for the next few years, as long as I am a student at HPS.
- I agree to report any damage to the Chromebook to my teacher or the school.

Using Your Chromebook at School

Students are expected to bring a FULLY CHARGED Chromebook to school every day. All Chromebooks should be transported everywhere in the provided sleeve/case. Students should leave their charging cables at home, as there is enough battery life in the devices to last a full school day if charged each evening.

Ownership of the Chromebook

Haverhill Public Schools retain sole right of possession of the Chromebook. Haverhill Public Schools lends the Chromebook to the students for educational purposes only for the academic year. Additionally, Haverhill Public Schools administrative staff and faculty retain the right to collect and/or inspect Chromebooks at any time, including via electronic remote access and to alter, add, or delete installed software or hardware.

Content Filter

Haverhill Public Schools utilizes an Internet content filter that is in compliance with the federally mandated Children's Internet Protection Act (CIPA). All Chromebooks will have all Internet activity protected and monitored in the school while being used. If an educationally-valuable site is blocked, students should contact their teachers to request the site be unblocked.



HPS Student Chromebook Policy

No Expectation of Privacy

Students shall have no expectation of confidentiality or privacy with respect to any usage of a Chromebook, regardless of whether that use is for school-related or personal purposes, other than as specifically provided by law. The school may, without prior notice or consent, log, supervise, access, view, monitor, and record use of student Chromebooks at any time for any reason related to the operation of the school. By using a Chromebook, students agree to such access, monitoring, and recording of their use.

Guidelines for Proper Care

- I will keep food and drink away from the Chromebook
- I will be the ONLY user of my school-issued Chromebook
- I will give the same care to my assigned Chromebook at all times that I would give to my most valued possession.
- I will not attempt to make repairs to my assigned Chromebook if it is damaged or malfunctioning.
- I will not deface the Chromebook: No stickers (except district issued) will be allowed, nor writing, drawing, or labels of any kind.
- I will use care in transporting my assigned Chromebook to and from school in the provided sleeve.
- I will keep the screen clean with a soft, dry, anti-static cloth, or with a screen cleaner designed specifically for the screen only.
- I will take care of my Chromebook and will not intentionally damage it in any way.

Optional Device Insurance

To help protect the device and its related peripherals, students will have the opportunity to insure their device with Haverhill Public schools for \$20 a year, which will cover a single incident of damage, loss, or repair for the school year. If a student declines this optional fee, they may be held responsible for the individual costs of the item(s) damaged. Likewise, if there are multiple incidents over the course of a single year, additional costs and/or disciplinary action may be assessed, per the discretion of the school or District Administration.

Damage and Repair Process

If a device is broken, students should work with a classroom teacher to report the issue to HPS Technology. A loaner device can be borrowed from the school on a daily basis until the assigned device is either repaired or replaced.

Lost/Stolen Devices

Devices that are lost or stolen should be reported to the local authorities, as well as school administration as soon as possible.

HPS Student Chromebook Policy

Parent/Guardian Responsibilities

Parents and Guardians should assist their students with adhering to these policies, including providing additional monitoring for Internet content and supporting the student learning with navigating websites, online class materials, and other related information from the schools.

Transferring/Graduating/Withdrawing from HPS

Students that transfer out, graduate, or withdraw from Haverhill Public Schools must turn in their Chromebooks, chargers, and sleeves to school office personnel on their last day of attendance.

HPS 1:1 Initiative | Policies and Procedures

In order to make this a successful venture for all involved, we propose the following distribution of tasks, responsibilities, and related policies/procedures.

Overview

All K-12 students registered in Haverhill Public Schools will receive a device to assist in their education, both for accessing appropriate resources, as well as producing digital work and content.

To maximize the performance of the device given to the students to use, they may receive a new device at the following transitional grades: Kindergarten, Grade 5, and Grade 9. When a students' time with an assigned device is complete, they will have the option to purchase their device at the fair market value price.

Related Policies

HPS Technology Acceptable Use Policy

The assigned device is to be used by the assigned student for school-related purposes only, following the guidelines set by the [HPS Acceptable Use Policy](#).

HPS Student Chromebook Policy

Students will adhere to the [HPS Student Chromebook Policy](#).

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Technology's Role

Device Prep

Global Inventory Management

Device Repairs/Maintenance

CIPA-compliant Filtering

Communication of Policies/Procedures

Online Training and Support Resources

Registration's Role

Registration will make sure Parents/Guardians sign and return an HPS Acceptable Use Policy for all new registrations.

The Optional Device Insurance Form will be given to parents at the completion of registration.

School's Role

Device Distribution

Similar to our initial Chromebook distribution, each school will be the main pickup location for the students' Chromebook. A few options on distribution are:

- Set up pickup the week before school, in the same manner as done before
- Chromebooks will be distributed to students on the first day of school

Technology will have the appropriate number of devices/chargers available and, as possible, pre-assigned to the students, as well as a reasonable amount of extras.

Schools should utilize proper social distancing and safety protocols during device pickup.

Communication of Policies/Procedures

Be the main source of information for students/parents by providing straightforward and consistent communication of both District and School policies related to Device management and expectations.

Enforcement of Policies/Procedures

As necessary, provide structure and expectations surrounding enforcement of Device Use, Care and Maintenance, and Personal Responsibility, including managing appropriate discipline for recurring physical damage/device misuse.

Access Online Training and Support Resources

Ensure that parents/students/staff have access to and familiarity with the various Online Training and Support Resource options provided by HPS Technology, accessing this as the primary source of help and information related to device use and best practices.

Single Point of Contact

Each building needs to designate at least 3 staff members (1 primary, 2 secondary) that can serve as the main point person in the building for Digital Support. Their responsibilities would be as follows (with appropriate, regular training provided by Technology)

- Be “first line of defense” for student/staff questions for day-to-day use
- Handle basic troubleshooting of devices (restarting, testing WFi, software updates, etc.)
- Handle distribution of daily spares for students, as needed
- Assist in maintaining the accuracy of their school’s device inventory using Technology’s inventory system
- Maintain spare device supply
- Communicate regularly with Technology related to recurring issues, procedure questions, training needs, etc.

Device Swaps

Handle daily distribution/collection of spare/loaner devices for students who either do not have a device or who are awaiting a repair swap.

Facilitate the distribution of swapped devices returned from repair or for new students.

Maintain Spare Equipment/Carts/Status

Technology will provide a buffer percentage of spare devices to be used for daily loaners at each building. Schools should be in consistent communication about the status of these devices in terms of quantities and status, as well as maintain their readiness for daily loaner use.

Teacher's Role

Communication of Policies/Procedures

Be the main source of information for students/parents by providing straightforward and consistent communication of both District and School policies related to Device management and expectations.

Access Online Training and Support Resources

Ensure that parents/students/yourself have access to and familiarity with the various Online Training and Support Resource options provided by HPS Technology, accessing this as the primary source of help and information related to device use and best practices.

For personal skill development (or with PLC, grade levels, or departments), utilize the iSchool's Online Training Resources, Communications from HPS Technology, Support Ticket system, and Training Appointments to continue to support your professional needs.

Student Support/Troubleshooting

Assist with basic troubleshooting with students' devices, accounts, and online resources, including but not limited to password distribution, login assistance, and instructional how-tos.

Proposed Policies

HPS Technology Acceptable Use Policy (proposed update: [link](#))

HPS Student Chromebook Policy ([link](#))

Student Fee Collection Procedure

Handled by the Front office of schools, Cash/Check payments. Payment entered into SchoolBrains- Work in Progress

Haverhill Staff Device Insurance Fee

To help protect the device and its related peripherals, staff will have the opportunity to insure their device with Haverhill Public schools for \$20, which will cover a single incident of damage, loss, or repair for the school year. If a staff member declines this optional fee, they may be held responsible for the individual costs of the item(s) damaged. Likewise, if there are multiple

incidents over the course of a single year, additional costs and/or disciplinary action may be assessed, per the discretion of the District administration.

Thoughts: Direct Debit of Paycheck



HPS Technology Acceptable Use Policy

- ~~No students will access/use any online service, the Internet, or email system unless they are under teacher supervision. ¶~~
- All use of a school's HPS Account local area network, Internet connectio or email system must be in support of education or research, consistent with the purposes of Haverhill Public Schools.
- Users shall not intentionally seek information on, obtain copies of, modify files, other data, or passwords belonging to other users or misrepresent other users on the HPS network.
- Users shall not share their HPS Account login and password information to peers or colleagues.
- Hate mail, harassment, discriminatory remarks, and other antisocial behaviors are prohibited on the HPS network/Internet/online systems.
- Malicious use of the HPS Accountnetwork/Internet to develop programs that harass other users or infiltrate a computer system and/or damage the software components of a computer or computing system is prohibited.
- Use of the HPS network/Internet to access or produce pornographic material, inappropriate text files, or files dangerous to the integrity of the HPS network is prohibited.
- HPS network/Internet accounts are to be used only by the authorized owner of the account for the authorized purpose.
- All communications and information accessible from HPS AccountsAccounts via the HPS network/Internet should be assumed to be confidential to Haverhill Public Schools and follow all Local, State, and Federal privacy and security guidelinesprivate property.
- Any use of the HPS Accountnetwork/Internet for commercial or for-profit purposes is prohibited.
- Any use of the HPS Accountnetwork/Internet for personal and private business is prohibited.
- The illegal installation of illegally obtained copyrighted software for use on Haverhill Public School devicescomputers is prohibited.
- Making copies of copyrighted software is prohibited.
- ~~Use of the HPS network/Internet for direct purchase and/or sale of any physical item or service is prohibited. ¶~~
- ~~Access to the Internet will be allowed via School District Accounts only unless special permission is given. ¶~~
- ~~No student will be given access to Internet or online services passwords.~~
- ~~No student will incorporate the user guidelines into their respective discipline codes.~~
- All HPS email (or any other computer communication system supplied by HPS) should be used only for appropriate, legitimate, and responsible communication.
- All files/data stored within an HPS Account will be considered property of HPS and may be subject to retention under Local, State, and Federal guidelines.

This policy will be reviewed regularly and is subject to change.

Remote Policy Subcommittee 07.17.20

Residency Policy	<p>One document from each column:</p> <p>Column A- Recent mortgage payment receipt and/or property tax bill OR copy of lease and record of recent rental payment and Landlord Affidavit OR Section 8 Agreement.</p> <p>*Column B- Recent bill dated within the past 60 days showing a Haverhill address: Gas, oil, electric, home phone, cable, excise tax OR lease agreement indicating that a landlord is paying utilities, Column C- Valid driver's license, Valid MA Photo ID Card, Passport</p>	<p>One of the following:</p> <p>A signed Purchase and Sales Agreement for home/current mortgage statement, a signed lease agreement for rental property, or a current real estate tax bill.</p> <p>ALSO, one of the following: electric bill, gas bill, land line phone bill, or water bill</p>	Electric, gas, or mortgage bill dated within 30 days or a certified rental agreement dated within the last 12 months	Current utility bill- gas, electricity, cable or current lease or mortgage, received in last 30 days in name of legal parent or guardian registering the child	Lease agreement, copy of utility bill, copy of purchase and sale agreement or a notarized letter of residency	<p>A signed affidavit of residency AND one document from each column:</p> <p>Column A- Record of recent mortgage payment and/or property tax bill, copy of lease and record of recent rental payment, Landlord Affidavit and recent rental payment, Section 8 Agreement.</p> <p>Column B- Recent Bill dated within the past 60 days showing Newburyport address- Gas, oil, electric, home phone, cable or excise tax bill,</p> <p>Column C- Valid driver's license, valid MA photo ID card, valid passport.</p>	<p>The district reserves the right to ask for 3 different types of documentation, including but not limited to:</p> <p>A lease agreement for current apartment or copies of any utility or telephone bill. The City Clerk may be asked to verify that the parent/guardian is a registered voter or the Assessor's office may be asked to verify the name on the residency. If none of the above can be provided, the parent/guardian may be asked for proof of rent payment to an Amesbury address through a cancelled check or money order</p>
	<p>* Proposing to expand Column B to include acceptance of the following documents:</p> <p>DTA correspondence, Social Security correspondence, current car registration showing Haverhill address, official correspondence from the city of Haverhill or the state of MA from within last 30 days</p>						

REMOTE LEARNING ADDENDUM

Issues to consider when developing remote learning plans:

- Which of these issues requires policy or policy changes?
- What are the policy implications and what should school committees delegate to the superintendent for operating protocols?
- Do we learn anything from earlier experiences in emergencies?
- What can we learn from our current services to students who are unable to attend school because of illness or other disability or for disciplinary reasons?

Specific items to consider in developing a plan:

- When is remote learning appropriate?
- Designating a remote learning point person
- Reviewing the various models for remote learning
- Equity – how to ensure that students have access to tools to learn remotely.
- Internal vs. external resources.
- Collective bargaining implications
- Responsibilities of remote educators
 - Evaluating remote educators and programs
 - Who may observe remote instruction
 - Teacher professional development to incorporate various elements of remote learning
 - Common planning time
- Identifying cost implications and approving spending
- Special constituencies:
 - Special education students
 - English Language Learners
 - Physically challenged students
 - Homeless students
 - Students in foster care
 - Students of military families
 - Pregnant and parenting students
- Facilitating collaboration/removing barriers to collaboration.
- Protecting privacy rights of students and parents
 - FERPA (Federal Educational Rights and Privacy Act and COPPA (Children's On Line Privacy Protection Act)
 - What privacy protections do vendors and districts/schools have in place.

- Health and nutrition issues that may impact student wellness and/or privacy
- Internet security for students and faculty.
- Protecting educators and others who identify threats to student wellbeing via remote learning.
- Engaging district partners including companies, consultants, media (i.e., public television).
- Impact on decisions to retain or grant professional status educators.
- Academic implications (testing, grading, educator accountability, curriculum adaptations)
- Parental rights (opting in or opting out)
- Data gathered remotely or on-line (who gathers, aggregates, or analyzes).

SOURCE: MASC – May 2020

REMOTE LEARNING

In the event of a district-specific emergency requiring the use of remote learning, the superintendent of schools may declare such emergency and shall, as soon as possible, obtain the approval of the school committee. The remote learning plan below will be applicable in cases of disease, weather emergencies, destruction or damage to schools rendering them inaccessible, or other extraordinary circumstances, including emergencies declared by government officials, the school committee, or the superintendent.

When it becomes necessary for the school district to provide support to students who are unable to attend classes or access appropriate services due to an extended closure, the superintendent shall establish a plan and procedures to ensure that such services are provided. The provision of educational services may include the use of technology and devices, and strategies designed to support student learning away from school.

The remote learning plan will, to the extent possible:

- Ensure the safety of all students and faculty in coordination with appropriate local and state departments and agencies;
- Provide support for student social and emotional wellbeing and address the implications of trauma experienced by students or faculty as a result of the emergency;
- Identify goals and strategies for maintaining standards of student achievement and school improvement plans;
- Ensure instruction and services are delivered by district educators and personnel as much as practicable;
- Utilize the most effective tools and resources available for students and faculty, including the skills and talents of district personnel, in the delivery of instruction and services and share resources as needed;
- Provide resources and services equitably to meet the needs and circumstances of all students;
- Identify remedial strategies necessary after the emergency to advance student achievement (i.e. after-school, extended day, summer school, and contingency scheduling to cancel vacations.);
- Gather information both during and after the period of emergency regarding the most effective means of remote learning to implement as appropriate.

In developing a remote learning plan, the superintendent will:

- Identify and prepare effective means for communicating with faculty, students, parents and community stakeholders.
- Collaborate with municipal agencies that support the schools and community.
- Consult with the school committee to identify any extraordinary actions necessary or authority required to administer emergency and remote learning plans. This includes any changes to district policies on the school calendar, grading, promotions and retentions, local graduation requirements, testing, and standards and accountability.
- Consult with administrators and principals to ensure the continuing education of students at all levels, including:
 - use of the most appropriate resources, tools and strategies to deliver the curricula given

- local circumstances and conditions;
- equitable access to appropriate content for all students;
- specific accommodations for students at high risk, including clients of special education, students with disabilities, English learners, students at economic disadvantage, homeless students, students in foster care and students of military families.
- Utilize available technological resources suitable for serving students at all levels. This inventory will be prepared in advance in anticipation of an emergency.
- Ensure the privacy rights of students, faculty and families are protected, including assessing the security of district technology.
- Consult with bargaining units to determine if modifications to collective bargaining agreements need to be established for the period of the emergency.
- Identify the financial implications of the emergency plan and recommend transfer of funds as may be necessary.

LEGAL REFS.: 20 U.S.C. §1232g Family Education Rights and Privacy Act (FERPA)
 15 U.S.C. §§ 6501–6506 Children’s Online Privacy Protection Act (COPPA)

CROSS REFS.: EBCD – Emergency Closings
 IGA – Curriculum Development
 IGB – Support Services Programs
 IHBEA – English Learner Education
 IJND – Access to Digital Resources
 IJNDB – Empowered Digital Use
 IJNDC – Internet Publication
 IJNDD – Policy on Social Media
 IHBEA – English Language Learners
 JB – Equal Educational Opportunities
 JBB – Educational Equity

SOURCE: MASC – May 2020

Office for Civil Rights Blog - 20200518

SCHOOLS MUST POST IMPORTANT INFORMATION REGARDING TITLE IX ON SCHOOL WEBSITES UNDER THE NEW TITLE IX RULE

May 18, 2020

As schools plan and prepare for implementation of the new Title IX Rule, which becomes effective on August 14, 2020, schools may find it necessary to post new information on their websites. OCR will not enforce the new Title IX Rule until the new Rule has become effective, and provides this information to assist schools in preparing to comply the new Title IX Rule.

The new Title IX Rule specifically requires schools to post on their websites:

1. The *contact information* for the school's Title IX Coordinator(s);
2. The school's *non-discrimination policy*; and
3. *Training materials* used to train the school's Title IX personnel.

Information about each of these requirements can be found in the unofficial version of the Title IX Rule posted by the Department, and the Department's commentary about the Rule, which can be viewed [here](#).

Title IX Coordinator Contact Information / Non-discrimination Policy

- Section 106.8(a) requires schools to designate and authorize at least one employee as a Title IX Coordinator and to notify students, employees, applicants, parents and guardians, and others of the Title IX Coordinator's contact information. That information must include the name or title of the Title IX Coordinator, an office address, a telephone number, and an e-mail address.
- Section 106.8(b)(2)(i) requires schools to "prominently display" the Title IX Coordinator's contact information on the school's website, if the school has a website.
- Similarly, § 106.8(b)(1) requires schools to notify students, employees, applicants, parents and guardians, and others that the school does not discriminate on the basis of sex, and that Title IX requires the school not to discriminate. This non-discrimination policy must also be prominently displayed on the school's website, if any, under § 106.8(b)(2)(i).
- These requirements are intended to ensure that a school's entire educational community understands how to contact the Title IX Coordinator to report sex discrimination, including sexual harassment. Section 106.8(a) expressly states that reports can be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number or e-mail address, "or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report."

Training Materials for Title IX Personnel: § 106.45(b)(1)(iii) & § 106.45(b)(10)(i)(D)

- The Title IX Rule requires schools' Title IX personnel to be unbiased and free from conflicts of interest.
- Title IX personnel include the Title IX Coordinator, any investigator, any decision-maker, and any person who facilitates an informal resolution (such as mediation).
- Schools must ensure that Title IX personnel receive training as follows:
 - On Title IX's definition of "sexual harassment"
 - On the scope of the school's education program or activity
 - On how to conduct an investigation and grievance process
 - On how to serve impartially, including by avoiding prejudgment of the facts at issue
 - On how to avoid conflicts of interest and bias

- Decision-makers must receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant
 - Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence
- All materials used to train Title IX personnel:
 - Must not rely on sex stereotypes,
 - Must promote impartial investigations and adjudications of formal complaints of sexual harassment,
 - Must be maintained by the school for at least 7 years,
 - Must be publicly available on the school's website; if the school does not maintain a website the school must make the training materials available upon request for inspection by members of the public.
- Under the Title IX Rule, students, employees, the Department, and the public will be able to examine a school's training materials, providing a necessary safeguard to improve the impartiality, reliability, and legitimacy of Title IX proceedings. This requirement will improve the overall transparency and integrity of a school's Title IX policies and procedures.
- Schools must publish training materials that are up to date and reflect the latest training provided to Title IX personnel.
- Section 106.45(b)(10)(i)(D) does not permit a school to *choose* whether to post the training materials or offer a public inspection option. Rather, if a school has a website, the school must post the training materials on its website.
 - A school must post on its website: "*All materials used to train* Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process." Posting anything less than "all materials" on the website is insufficient. Accordingly, merely listing topics covered by the school's training of Title IX personnel, or merely summarizing such training materials is not the same as posting "all materials."
- If a school's current training materials are copyrighted or otherwise protected as proprietary business information (for example, by an outside consultant), the school still must comply with the Title IX Rule. This may mean that the school has to secure permission from the copyright holder to publish the training materials on the school's website.
 - Nothing in the Title IX Rule abrogates intellectual property rights. If a school is unable to secure permission from a third party to post copyrighted training materials, then the school must create or obtain training materials that can lawfully be posted on the school's website.
- The Department does not certify, endorse, or otherwise approve or disapprove of particular organizations (whether for-profit or non-profit) or individuals that provide Title IX-related training and consulting services to schools.

As to every school that has a website, the school must post important information about the school's Title IX policies and procedures on their website. When the new Title IX Rule becomes effective (August 14, 2020), school websites must include (i) the Title IX Coordinator's contact information, including an e-mail address; (ii) the school's non-discrimination policy; and (iii) all materials used to train the school's Title IX personnel.

File: AC – NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage 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. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, homelessness, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy related condition, and/or parenting status.

It will be a violation of this policy for any student, district employee or third party, based on a student's, employee's or third party's actual or perceived race, color, homelessness, sex, gender identity, religion, national origin, age, sexual orientation, disability, pregnancy or pregnancy related condition, and/or parenting status to: (1) harass a student, district employee or third party through conduct or communication (e.g., physical, verbal, graphic or written) or to (2) inflict, threaten to inflict or attempt to inflict violence; or to (3) discriminate against a student, District employee or third party.

If someone has a complaint or feels that they have been discriminated against because of their race, color, homelessness, sex, gender identity, religion, national origin, age, sexual orientation, disability, pregnancy or pregnancy related condition, and/or parenting status, their complaint should be registered with the designated coordinator for the type of harassment or with the building principal where the alleged harassment occurred.

All of the designated Civil Rights Coordinators for different types of harassment can be reached at (978) 251-5100. The Administrators who serve in each role are as follows:

Title IX Coordinator (sexual harassment, stalking, domestic violence, dating violence, sexual assault): Director of Personnel and Professional Learning.

Civil Rights Coordinator (race, color, gender identity, religion, national origin, age, sexual orientation, pregnancy, pregnancy related condition, and/or parenting status): Director of Personnel and Professional Learning.

Section 504 Coordinator (disability, IDEA, ADA, and 504): Director of Student Services.

Homeless Liaison: Director of Business and Finance.

Additionally, national origin and racial harassment complaints relating to English Language Learners may be addressed to the Reading/ ELL Department Coordinator and Title I Director.

GRIEVANCE PROCEDURES

The following grievance procedures relate to all complaints except those that are explicitly addressed under Title IX. Please refer to the Title IX Coordinator and Policy ACAB (Sexual Harassment/ Title IX Policy) for Title IX complaints.

Definitions

For the purposes of this procedure:

- A. A “Complaint” is defined as an allegation that a student or employee has been discriminated against or harassed on the basis of race, color, national origin, age, sex (unless it falls under the Title IX Policy), sexual orientation, gender identity, disability, or religion.
- B. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute harassment.
- C. “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.
- D. “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 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.

- E. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute harassment.

Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Chelmsford Public Schools.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion, exclusion from extracurricular activities or teams, and/or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

How to make a complaint

- A. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal listed below or the coordinator listed above. If the school principal receives the report, he or she will notify the appropriate Civil Rights Coordinator of the Complaint. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.
- B. District staff is expected to report possible incidents of discrimination or harassment of students and fellow employees. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students or employees which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school but could possibly create a hostile environment for a student or employee while he/she is at school. Sexual harassment or assault that occurs solely off campus may fall within the scope of this Policy, but will not fall within the Title IX Policy. However, the Title IX Coordinator may investigate
- C. Students and employees will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

- D. Students and employees are encouraged to utilize the District's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to:

For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

For complaints related to discrimination/harassment of parents:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

For complaints related to discrimination/harassment of employees:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

OR

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Complaint Handling and Investigation

- A. The school principal shall promptly inform the relevant Civil Rights Coordinator and the person(s) who is the subject of the Complaint (Respondent) that a Complaint has been received.
- B. Interim Measures will be discussed with the Complainant and Respondent, to determine if any are necessary while the investigation is ongoing.
- C. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution (mediation) of the Complaint with the agreement of the parties involved. Informal resolution is optional, and the Complainant and Respondent may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.
- D. Under the formal resolution procedure, the Complaint will be investigated by the school principal or other individual designated by the school principal or Civil Rights Coordinator. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the Complaint.
 - 1. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.
 - 2. The person who is the subject of the Complaint (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 all parties to the Complaint shall be maintained in accordance with applicable state and federal laws. Information about the

Complainant and Complaint may need to be disclosed the Respondent in order to enable a full and fair response to the Complaint.

4. The investigator will keep a written record of the investigation process.
 5. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending and shall discuss the need for interim remedial measures with both the Complainant and Respondent immediately after or prior to commencing the investigation.
 6. The investigation and the notification of the outcome to the complainant and the subject of the complaint shall be completed within fifteen (15) school days of the date of the receipt of the Complaint.
 7. The investigator may extend the investigation period beyond fifteen (15) school days because of 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 the investigator extends the investigation, he or she will notify the Complainant of the extension.
 8. If a complaint or report of discrimination or harassment is received after June 1 of a given 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 above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant of the extension and make reasonable efforts to interview the witnesses during the summer vacation period.
 9. Nothing in this procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the fifteen (15) school days described above.
- E. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, which may include, but is not limited to:
1. Determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any, including, but not limited to reprimand, suspension, termination/expulsion, exclusion from extracurricular activities or teams, and/ or other sanctions as determined by the school administration and/or School Committee;

2. Determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and
 3. Informing the Complainant and the Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) within twenty (20) calendar days of receipt of the Complaint, unless the investigation is extended under the provision described above. The Complainant and Respondent should be given enough information to fully understand the findings and determine whether to appeal.
 - a. Please note that Complainants should be notified any disciplinary actions against the Respondent(s) that will directly affect them (e.g., stay away orders). However, the Complainant is not otherwise permitted to know the details of the disciplinary consequences for the Respondent(s) under FERPA.
- F. If the Complainant or the student's parents/legal guardians are dissatisfied with the results of the investigation, an appeal may be made to the appropriate Civil Rights Coordinator within ten (10) school days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The relevant Civil Rights Coordinator shall review the investigation and may conduct further investigation if deemed appropriate. Within five (5) school days of receipt of any such appeal, the relevant Civil Rights Coordinator shall decide whether or not to reopen the investigation, uphold the principal or designee's determination, or reverse the principal or designees' determination. The Civil Rights Coordinator shall provide written notification of that determination to both the Complainant and the accused. The Civil Rights Coordinator's decision shall be final, subject to further appeal to the Superintendent or designee.
- G. If the Complainant or the Respondent are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent within seven (7) calendar days after receiving notice of the decision. The Superintendent will consider the appeal, unless the Superintendent was involved in the investigation or previous appeal in any capacity, in which case a designee will be chosen to hear the appeal. The appeal decision shall be final.

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

M.G.L. [71B:1](#) et seq. (Chapter 766 of the Acts of 1972)

M.G.L. [76:5](#); Amended 2011

M.G.L.[76:16](#)

DESE regulations 603CMR [26.00](#) Amended 2012

DESE regulations 603CMR [28.00](#)

CROSS REFS.: [ACA- ACE](#), Subcategories for Nondiscrimination

[GBA](#), Equal Employment Opportunity

[JB](#), Equal Educational Opportunities

File: 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 system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities and to third parties.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees. If you believe that you or someone else has been harassed on the basis of sex, please refer to Policy ACAB (Sexual Harassment) and Policy AC (Nondiscrimination Policy and Grievance Procedure) for appropriate procedures to follow depending on the type of harassment at issue.

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)

DESE 603 CMR [26:00](#)

Department of Education's Title IX Final Rule (unpublished)
<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

CROSS REF.: [AC](#), Nondiscrimination Policy and Grievance Procedure

ACAB, Sexual Harassment/ Title IX Policy

HAVERHILL PUBLIC SCHOOLS SEXUAL HARASSMENT/ TITLE IX POLICY

Definitions

In the employment context, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

In the educational context, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct ("quid pro quo harassment");
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity ("hostile environment harassment"); or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

The District will promptly investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the school district exercises substantial control, in a way that is not deliberately indifferent.

The following additional definitions apply:

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

"Administrative leave" means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

“Consent” means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due the influence of fear, fraud, forcible compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment.

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

“Deliberate indifference” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

“Emergency removal” means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes a district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the district investigate the allegation of sexual harassment.

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

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures

Complaints and Reports of Sexual Harassment

Upon receiving actual notice of alleged sexual harassment without a formal complaint, staff

members must notify the Title IX Coordinator. The Title IX Coordinator must then contact the complainant within two school days of receiving the complaint and do the following:

- Discuss and offer supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainant and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead the district to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require the school district to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours. The contact information for the Title IX Coordinator is:

Title IX Coordinator: Director of Human Resources and Professional Learning, (978) 251-5100.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by the District.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of the school district. Additionally, the district has discretion to dismiss a formal complaint where the passage of time would result in the district's inability to gather evidence sufficient to reach a determination regarding responsibility, or when the district loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by the district).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined

in this policy even if proved, did not occur in the school district's education program or activity, or did not occur against a person in the United States, then the school district must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. The school district must send written notice of any dismissal.

Investigations to allegations of sexual harassment will be prompt and the formal process will be completed within a sixty day timeframe where feasible. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Written Notice

Before any investigation can begin, the district must send written notice to both parties including sufficient details. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the District's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Informal Resolution

Where appropriate, after notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Informal resolution may only be offered after a formal complaint is filed, and the parties must give written consent to engage in this process. Informal resolution may not be used if the allegation is against an employee respondent. Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties.

Informal resolution is entirely voluntary. Complainants may elect to pursue formal procedures at any step in the process of making their complaint, even if informal resolution has already begun. Similarly, respondents may elect to follow formal procedures and decline informal resolution.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within five (5) school days after receiving the complaint of discrimination or harassment, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

If the complainant is not satisfied with the resolution from the informal process, or if he/she does

not choose informal resolution, then he/she can begin the formal complaint procedure described below.

Investigation

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person. The Title IX Coordinator is free to cast himself/ herself in either role, where appropriate.

The investigator must not be biased against any of the parties at the outset of the investigation. The investigator will be responsible for interviewing parties and witnesses, finding facts, and making determinations related to credibility, all of which will go into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

Prior to completion of the investigative report, the school district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator must avoid making any final determinations of responsibility for sexual harassment.

Findings should be written in a factual way in an investigative report. Credibility determinations may not be based on an individual's status as complainant, witness, or respondent.

During the investigative process and any further hearings, complainants and respondents have a right to have advisors of their choice participate in all aspects of the proceedings. The district will provide both parties with written notice of investigative interviews, meetings, and hearings, with sufficient time to prepare.

The investigation will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Findings of Responsibility

After the investigator has completed the investigation, the designated decision-maker will be assigned to determine final responsibility or lack thereof for violating Title IX. The decision-maker must not be biased against any of the parties at the outset of this process.

Before the district can determine responsibility, an investigative report will be sent to the parties and the decision-maker will offer both the complainant and respondent the opportunity to submit proposed relevant, written questions to ask of any party or witness, to respond to questions posed by another party, and to offer additional limited follow-up. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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 decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

After this process is complete, the decision-maker will create a written determination regarding whether sexual harassment has occurred using a preponderance of the evidence standard.

A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, the District will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate.

The written determination must be issued to both parties simultaneously and must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the recipient's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- (F) The district's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

If there is a finding that sexual harassment occurred, the school district will provide remedies to the complainant designed to restore or preserve equal access to the school district's education program or activity. Such remedies may include supportive measures.

Formal disciplinary actions may be imposed in the event that the preponderance of the evidence indicates a violation of this policy, up to and including expulsion or termination. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit the District from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

Records

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and district staff will document the basis for the district's conclusion that its response was not deliberately indifferent.

Training

The district will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The district will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

The district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

These training materials will be posted on the school district's website.

Appeals

Any party may appeal the decision in writing to the Superintendent within fifteen (15) school days of receipt of the findings of the formal procedure or a dismissal on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The school district will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The Superintendent or designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

The Superintendent may be reached at (978) 251-5100.

External Grievance Procedure

Any student, parent or employee who chooses not to use the District's internal grievance procedures or who is not satisfied with the District's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment of students:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

For complaints related to discrimination/harassment of parents:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

For complaints related to discrimination/harassment of employees:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

OR

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Referral to Law Enforcement, Other Agencies

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant/ alleged victim of the right to file a criminal complaint.

Retaliation

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.