

# Haverhill Public Schools Policies

## Acknowledgement of Receipt

**This acknowledgement must be signed, detached and returned to the Human Resources Department prior to employment.**

I, \_\_\_\_\_, an employee/applicant of the Haverhill Public School, hereby certify that I have received, read and understand all of the Haverhill Public School Committee policies listed below:

- Tobacco Use on School Property
- Drug-Free Work Place
- Policy on Social Media
- Non-Discrimination and Harassment
- Sexual Harassment
- Nondiscrimination on the Basis of Disability
- MCAD – Pregnant Workers Fairness Act – I further certify that I have read and understand the MCAD Pregnant Workers Fairness Act issued January 23, 2018.

**Haverhill Public School Policies can be found on the HPS Website on the Human Resources and School Committee pages.**

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

*Updated: 2.22.2023*

## **TOBACCO USE ON SCHOOL PROPERTY BY STAFF MEMBERS PROHIBITED**

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel, is prohibited at all times.

Staff members who violate this policy will be referred to their immediate supervisor.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. [71:37H](#)

## **DRUG-FREE WORK PLACE**

The Haverhill School Committee recognizes that alcohol, tobacco, and other drug abuse (ATODA) is a significant public health issue and supports a comprehensive school and community effort to address the issue. To assure that the educational goals of the system are fully realized and that the professional well being of individual staff members is secured, the School Committee directs the Administration to develop procedures to offer help to District employees who may have developed ATODA problems. While encouraging sensitivity toward employee problems in this vein, nothing in this policy should be construed as relieving District employees of their ultimate responsibility for his/her work performance and for behavior related to maintaining acceptable work standards.

All District employees shall be informed in writing of this policy. Reciprocally, employees will acknowledge in writing their receipt and understanding of the policy. The Administration shall include in the regular in-service programs information relevant to the dangers associated with ATODA. Administration also shall maintain and make available to staff a resource directory, detailing in-school and outside community ATODA support services.

The School District will provide a drug-free work place and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, dispensing, possession, or use of a controlled substance is prohibited in the District's workplace and specify the actions which will be taken should an employee be found in violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free workplace; and available drug counseling, rehabilitation, and employee assistance programs.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within thirty days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the provisions of this policy.

SOURCE: MASC/Haverhill

# **POLICY ON SOCIAL MEDIA**

File: KDC-1

## **HAVERHILL PUBLIC SCHOOLS' SOCIAL MEDIA POLICY**

### **I. Purpose**

This policy establishes guidelines for the creation and use by the Haverhill Public Schools, its schools, departments and/or employees of the Haverhill Public Schools' social media sites for Work Related Purposes (including but not limited to Facebook and Twitter) as a means of conveying Haverhill Public Schools' information to its citizens.

The intended purpose behind establishing Haverhill Public Schools' social media sites is to disseminate information from the Haverhill Public Schools, about the Haverhill Public Schools to its citizens.

The Haverhill Public Schools has an overriding interest and expectation in deciding what is "spoken" on behalf of the Haverhill Public Schools on its social media sites.

For purposes of this policy, "Social Media" is understood to be content created by individuals, using accessible, expandable and upgradable publishing technologies, through and on the Internet. Examples of Social Media include Facebook, Twitter, Google+, blogs, and LinkedIn. For purposes of this policy, "Content" includes comment, information, articles, pictures, videos or any other form of communicative content posted on Haverhill Public Schools' Social Media sites.

### **II. General Policy**

- A. The establishment and use by any Haverhill Public Schools' school, department or employee of Haverhill Public Schools' Social Media sites are subject to approval by the Superintendent or designees and the Technology Department. Haverhill Public Schools' Social Media sites shall be administered and monitored by individual department site administrators jointly approved by the principals, department supervisors/directors and the Superintendent or designee, with notification to the Haverhill Public Schools' Technology Department staff and the Superintendent or designee.
- B. Haverhill Public Schools' Social media sites should make clear that they are maintained by the Haverhill Public Schools and that they follow the Haverhill Public Schools' Social Media Policy.
- C. Wherever possible, Haverhill Public Schools' Social Media sites should link back to the official Haverhill Public Schools' website or department web pages for forms, documents, online services, and other information necessary to conduct business with the Haverhill Public Schools.
- D. The Technology Department will occasionally monitor content on Haverhill Public Schools' Social Media sites to ensure adherence to the Haverhill Public Schools' Social Media Policy and the interests and goals of the Haverhill Public Schools.
- E. The Haverhill Public Schools reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable laws, rules, regulations or policies. Any content removed based on this Social Media Policy should be retained by the site administrator who removed it for a reasonable period of time, as well as information about the time, date, and identity of the poster, when available.

F. This Social Media Policy must be displayed to users or made available by hyperlink at <http://wp.me/P3Xb2h-3VI>

G. The Haverhill Public Schools will approach the use of social media tools as consistently as possible, district wide.

H. The Haverhill Public Schools' website at [www.haverhill-ps.org](http://www.haverhill-ps.org) will remain the Haverhill Public Schools' primary and predominant Internet presence.

I. All Haverhill Public Schools' Social Media sites shall adhere to applicable federal, state and local laws, rules, regulations and policies.

J. Haverhill Public Schools' Social Media sites are subject to Massachusetts public records and record retention laws, rules, regulations and policies. Any content maintained in a Social Media format that is related to Haverhill Public Schools' business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. The department site administrator will maintain records in accordance with Massachusetts public records and record retention laws, rules, regulations and policies.

K. Comments or other content on topics or issues not related to Haverhill Public Schools' business or within the jurisdictional purview of the Haverhill Public Schools may be removed.

L. Employees representing the Haverhill Public Schools via Haverhill Public Schools' Social Media sites shall conduct themselves at all times as representatives of the Haverhill Public Schools in accordance with all Haverhill Public Schools' rules, regulations and policies.

M. This Social Media Policy may be updated from time to time and amended at the discretion of the Haverhill School Committee and the Superintendent of Schools.

### **III. Content Policy**

A. As a public entity, the Haverhill Public Schools should abide by certain standards, including those standards detailed below, to serve all its constituents in a civil and unbiased manner.

B. The intended purpose behind establishing Haverhill Public Schools' Social Media sites is to disseminate information from the Haverhill Public Schools, about the Haverhill Public Schools, to staff, students and their families and citizens of Haverhill.

C. Content perceived as containing any of the following, but not limited to, inappropriate forms of content shall not be permitted on Haverhill Public Schools' Social Media sites and is subject to removal and/or restriction by site administrators, the Superintendent of Schools, or their designees:

1. Content not related to the original topic or to the business of the Haverhill Public Schools, including random or unintelligible comments;
2. Profane, obscene, violent or pornographic content and/or language;
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, national origin, sex, gender, disability, sexual orientation, gender identity, genetic information, religion, age, family status, military status, or source of income.
4. Defamatory or personal attacks;
5. Threats to any person or organization;
6. Content in support of, or opposition to, any political campaigns or ballot measures;
7. Solicitation of commerce, including but not limited to, the advertising of any business or product for sale;

8. Conduct in violation of any federal, state, or local law, rule or regulation;
9. Encouragement of illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems;
11. Content that violates a legal ownership interest, such as, but not limited to a copyright, of any party; or
12. Any other content deemed inappropriate by the Haverhill Public Schools.

D. Content regarding a student shall not be posted on any Haverhill Public Schools' Social Media Site unless there is a signed Haverhill Public Schools' Media Release on file at the student's school for the current school year that has been signed by the parent/guardian/caregiver of the student and/or by the eligible student authorizing the display, publishing, distribution or exhibition the student and/or their name, image, likeness, spoken words, student work, performance and movement, in any form on the Haverhill Public Schools' Social Media Site.

E. Content posted by a member of the public on any Haverhill Public Schools' Social Media site shall be the opinion of the commentator or poster only, and publication of content does not imply endorsement of, or agreement by, the Haverhill School Committee and/or Haverhill Public Schools, nor does such Content necessarily reflect the opinions or policies of the Haverhill School Committee and/or the Haverhill Public Schools.

F. The Haverhill Public Schools reserves the right to deny access to Haverhill Public Schools' Social Media sites to any person who violates the Haverhill Public Schools' Social Media Policy, at any time and without prior notice.

G. Site administrators shall monitor Haverhill Public Schools' Social Media sites for content requesting responses from the Haverhill Public Schools. Site administrators may direct such requests to the appropriate Haverhill Public Schools' administrator and/or department for response.

H. Site administrators shall monitor content posted on Haverhill Public Schools' Social Media sites for Content in violation of this Social Media Policy.

I. When a Haverhill Public Schools employee responds to a comment, in their capacity as a Haverhill Public Schools employee, the employee should do so in the name of the Haverhill Public Schools' school or department, and the employee shall not share personal information about themselves, or other Haverhill Public Schools' employees except as required for Haverhill Public Schools' business, and shall not share personal and/or student record information about Haverhill Public Schools' students in accordance with the requirements of federal and state student record laws and regulations.

J. Content posted to any Haverhill Public Schools' Social Media site must comply with that site's terms and conditions, and the Haverhill Public Schools reserves the right to report any violation of those terms to the site administrator so the site administrator may take appropriate and reasonable responsive action.

Approved 12.13.18

## **HARASSMENT POLICY**

The Haverhill Public School system is committed to maintaining a school environment free of harassment based on race, color, religion, national origin, age, gender, gender identity, sexual orientation, or disability. Harassment by administrators, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. The Haverhill Public School system requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

### **Definition of Harassment**

In General: Harassment includes insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which offends or shows disrespect to others based upon race, color, religion, national origin, age, gender, gender identity, sexual orientation, or disability.

What one person may consider acceptable behavior, may be reasonably viewed as harassment by another person. Therefore, individuals should consider how their words or actions might reasonably be viewed by other individuals. It is also important for individuals to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile or offensive.

Sexual Harassment: While all types of harassment are prohibited, sexual harassment requires particular attention. Under Massachusetts General Law Chapter 151C, the term “sexual harassment” includes sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment, provision of benefits, privileges or placement services, or the basis for evaluation of academic achievement.
2. The individual’s response to such conduct is used as a basis for educational, disciplinary, or other decisions affecting that person.
3. Such conduct interferes with an individual’s job duties, education, or participation in extra-curricular activities.
4. Conduct creates an intimidating, hostile or sexually offensive work or educational environment.

### **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 Haverhill Public Schools.

Persons who engage in harassment 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 administration and/or School Committee, subject to applicable procedural requirements.

### **Investigation**

If any individual or his/her representative, complains that he/she has been harassed (or who has witnessed or learned and reported an incident of harassment) in the educational environment, appropriate school officials will investigate the facts and circumstances as reported. In assessing such reports school officials will be careful to consider the viewpoint of the complainant, or reporter, especially in cases involving small children. The complainant will be informed of the grievance procedure.

School officials will promptly look into each complaint of harassment. Such inquiries will be handled at the lowest possible level, most ordinarily at the building level. Central Office staff routinely will serve only in an appellate capacity. If a determination is made that harassment has occurred, school officials will take any appropriate aforementioned action to end the harassment and to ensure that it is not repeated. Confidentiality will be maintained consistent with the school system's obligations under law and under applicable collective bargaining agreements.

In certain cases, the harassment of a student may constitute child abuse by a "caretaker" (e.g. by a school staff member) and under Massachusetts General Law Chapter 119, section 51A, school administrators, teachers, and other school staff must report the suspected child abuse to the Massachusetts Department of Children and Families (DCF).

The state agency responsible for enforcing laws prohibiting harassment is the Massachusetts Commission Against Discrimination ("MCAD"), which is located at One Ashburton Place, Sixth Floor, Room 601, Boston, Massachusetts, 02108 – Phone 617-994-6000. The agency responsible for enforcing federal laws prohibiting harassment while on the job is the Massachusetts Equal Employment Opportunity Commission ("EEOC"), which is located at the John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203. If you believe you have been subjected to harassment, you may file a formal complaint with either or both of these government agencies. Using our complaint process does not prohibit you from filing a complaint with these agencies.

**Haverhill Public Schools  
Discrimination / Harassment  
Grievance Procedure  
Employees**

**I. WHERE TO FILE A COMPLAINT**

Any employee who believes that the Haverhill Public Schools has discriminated against or harassed her/him because of her/his race, color, religion, national origin, sexual orientation, gender, gender identity, disability, or age in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Assistant Superintendent of Schools. If this is the person who is alleged to have caused the discrimination or harassment, the complaint may be filed with the Superintendent. These individuals are listed below and are hereinafter referred to as "Grievance Administrators".

Margaret Marotta, Superintendent, Haverhill Public Schools,  
4 Summer Street, Haverhill, MA, 01830 (978) 374-3400

**II. CONTENTS OF COMPLAINTS AND TIME LINES FOR FILING**

Complaints under this grievance procedure must be filed within twenty (20) school days of the alleged discrimination. The complaint must be in writing. The Grievance Administrator, or any person of the



grievant's choosing may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name, school, and position (or address and telephone number if not a student or employee) of the grievant.
2. The name (and address and telephone number if not a student or employee) of the grievant's representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment (respondent).
4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s), time, and location of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witness), as can be reasonably determined.
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

### **III. INVESTIGATION AND RESOLUTION OF THE COMPLAINT**

Respondents will be informed of the charges as soon as the Grievance Administrators deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Grievance Administrator will interview witnesses who she/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Such interviews and gathering of information will be completed within fifteen (15) school days of the receiving of the complaint.

Within twenty (20) school days of receiving the complaint, the Grievance Administrator will meet with the grievant and/or his/her representative to review information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school days of the meeting with the grievant and/or representative, the Grievance Administrator will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by the Haverhill Public Schools involves disciplinary action against an individual, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (i.e., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment.)

Any disciplinary action imposed upon an individual is subject to applicable procedural requirements.

All the time lines indicated above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation, in which case, the matter will be completed as quickly as practicable. If the time lines specified above are not met, the reason(s) for not meeting them must be clearly documented. In addition, it should be noted that in the event the respondent is subject to a collective bargaining agreement which sets forth a specific time line for notice of a complaint, such time lines will be followed.

Confidentiality of grievant/respondents and witnesses will be maintained, to the extent consistent with the Haverhill Public Schools' obligations relating to investigation of complaints and the due process rights of individuals affected.

Retaliation against someone because he/she has filed a complaint under the grievance procedure is strictly prohibited. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

#### **IV. APPEALS**

If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal the disposition to the Superintendent within fifteen (15) school days of receipt of the disposition by the Grievance administrator, as listed below:

Margaret Marotta, Superintendent of Schools  
Haverhill Public Schools  
4 Summer Street, Haverhill, MA 01830  
(978) 374-3400

The Superintendent will issue a written response on the appeal to the grievant within ten (10) school days of receiving the appeal.

## **SEXUAL HARASSMENT**

### **File: ACAB (School Committee Policy)**

All persons associated with the Haverhill Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting, as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the Haverhill School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**Definition of Sexual Harassment:** Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

### **The Grievance Officer:**

The committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

### **Complaint Procedure:**

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
  - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
  - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
  - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
  - d. On the basis of the grievance officer's perception of the situation he/she may:

- Attempt to resolve the matter informally through reconciliation.
  - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.
  4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

SOURCE: MASC

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45

Federal Regulation 74676 issued by EEO Commission

Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)

Board of Education 603 CMR [26:00](#)

## NONDISCRIMINATION ON THE BASIS OF DISABILITY

### **File: ACE (School Committee Policy)**

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

**Definition:** A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

**Reasonable Modification:** The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

**Communications:** The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

**Auxiliary Aids and Services:** "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making orally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

**Limits of Required Modification:** The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

**Notice:** The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

**Compliance Coordinator:** The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and

2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

SOURCE: MASC July 2016

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended

Education for All Disabled Children Act of 1975

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

Title II, Americans with Disabilities Act of 1992, as amended

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: [IGB](#), Support Services Programs

## **MCAD Guidance PREGNANT WORKERS FAIRNESS ACT Issued 1/23/2018**

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy- related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

**Boston Headquarters:** One Ashburton Place, Room 601, Boston, MA 02108 | (617) 994-6000  
**Springfield:** 436 Dwight Street, Room 220, Springfield, MA 01103 | (413) 739-2145 **Worcester:** 484 Main Street, Room 320, Worcester, MA 01608 | (508) 453-9630  
**New Bedford:** 128 Union Street, Suite 206 New Bedford, MA 02740 | (774) 510-5801

[www.mass.gov/mcad/](http://www.mass.gov/mcad/)