



# Haverhill Public Schools

## *Title IX Coordinator*

### **Title IX Grievance Procedures**

(efektif 1ye Out 2024)

Lekòl Piblik Haverhill (“District”) pran angajman pou kenbe anviwònman lekòl yo san diskriminasyon ki baze sou sèks. Diskriminasyon sèks sou nenpòt fòm oswa pou nenpòt rezon entèdi. Sa enkli diskriminasyon seksyèl pa administratè, pèsonèl, elèv, machann, ak lòt moun oswa nan evènman ki gen rapò ak lekòl la.

Distri a, dapre Tit IX Amanman Edikasyon 1972 (“Tit IX”), deklare ke distri lekòl la pa fè e li pap fè diskriminasyon sou baz sèks, oryantasyon seksyèl, idantite sèks, estereyotip sèks, karakteristik sèks, eta sivil, kondisyon famiyal, gwosès oswa kondisyon ki gen rapò ak gwosès ak entèdi diskriminasyon sèks nan nenpòt pwogram edikasyon oswa aktivite ke li opere, jan Tit IX egzije sa, enkli nan admisyon ak travay.

Vanjans kont nenpòt moun ki te pote diskriminasyon seksyèl nan atansyon ofisyèl lekòl yo, oswa kont yon moun ki te patisipe, oswa refize patisipe, nan ankèt sa a se ilegal epi yo pa pral tolere l. Konduit ki ka reprezante yon vanjans rezonab, sijè a Pwosedi pou Plent sa a.

Yo ka refere kesyon konsènan Tit IX bay Kowòdonatè Tit IX Distri a. Kowòdonatè Tit IX Distri a se:

#### **Kowòdonatè Tit IX pou Elèv:**

**Maureen Irons, Lyezon Sekirite ak Sipò Lekòl, Kowòdonatè Tit IX**

137 Monument Street, Haverhill, MA 01832

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#### **Kowòdonatè Tit IX pou Anplwaye:**

**Sandra McArthur, Direktè Resous Imèn, Koòdonatè Tit IX**

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### **Dimansyon**

Pwosedri pou Doleyan pou Diskriminasyon Seksyèl Tit IX ("Grievance Procedure") te devlope an akò ak Règleman Tit IX, 34 CFR Pati 106, ki anvigè 1ye Out 2024, ki mande pwosedri espesifik pou reponn ak envestige akizasyon sou diskriminasyon seksyèl anba Tit IX. Pwosedri Doleyan sa a aplike a tout akizasyon diskriminasyon seksyèl anba Tit IX, sa enkli arasman ki baze sou sèks ki defini plis nan seksyon Definisyon ki anba a. Pou rezon pwosedri sa a tèm "diskriminasyon seksyèl" dwe gen ladan tèm "asèlman ki baze sou sèks" ak "arasman seksyèl" eksepte jan yo ka distenge.

Akizasyon konduit ki satisfè definisyon diskriminasyon seksyèl, ki gen ladan arasman ki baze sou sèks ak asèlman seksyèl dapre Tit IX, pral abòde atravè Pwosedri Plent la. Akizasyon konduit ki satisfè definisyon diskriminasyon seksyèl, ki gen ladan arasman ki baze sou sèks ak asèlman seksyèl anba Tit IX, epi ansanm satisfè definisyon arasman seksyèl anba Tit VII nan Lwa sou Dwa Sivil 1964 (anplwaye), M.G.L. c. 151B (anplwaye), ak/oswa M.G.L. c. 151C (elèv), y ap abòde tou atravè Pwosedri Doleyan pou Diskriminasyon Seksyèl Asèlman. Pa gen anyen nan Pwosedri pou Plent Distri a ak règleman ki gide yo, ki pral limite kapasite Distri a pou pran aksyon disiplinè oswa egzèsè dwa jesyon li yo ki konsistan avèk règleman lokal yo, lwa eta ak federal.

### **Pwosedri pou Plent**

Nan reponn akizasyon diskriminasyon seksyèl, Distri a angaje nan bagay sa yo:

- 1) Distri a pral trete moun k ap plenyen ak moun ki reponn yo yon fason ekitab.
- 2) Distri a egzije pou nenpòt Kowòdonatè Tit IX, envestigatè, oswa moun k ap pran desizyon pa gen yon konfli enterè oswa patipri pou oswa kont moun k ap plenyen oswa moun k ap reponn yo an jeneral oswa yon moun ki plenyen oswa yon moun ki reponn. Yon moun k ap pran desizyon kapab menm moun ak Kowòdonatè Tit IX la oswa envestigatè.
- 3) Distri a sipoze ke moun ki reponn a pa responsab pou swadizan diskriminasyon seksyèl la jiskaske yo pran yon detèminasyon nan fen pwosedri doleyans li yo.
- 4) Distri a pral kenbe, eksepte pou yon bon rezon pou reta, delè pou chak etap nan pwosedri doleyans yo. Yo dwe avize pati yo nan ka Distri a idantifye yon bezwen reta.
- 5) Distri a pral pran mezi rezonab pou pwoteje vi prive pati yo, temwen, ak patisipan yo konfidansyèl, eksepte jan Lwa sou Dwa Edikasyon pou Fanmi ak Lwa sou Konfidansyalite ("FERPA"), Dosye Elèv ak Lwa sou Konfidansyalite nan Massachusetts, jan lalwa egzije sa ak/oswa jan sa nesèsè pandan pwosedri doleyans li yo. Sa a pa dwe mete restriksyon sou kapasite pati yo pou yo jwenn ak prezante prèv ki enkli lè yo pale ak temwen yo; konsilte ak manm fanmi yo, resous konfidansyèl yo, oswa konseye yo; oswa otreman prepare oswa patisipe nan pwosedri doleyans yo.
- 6) Distri a pral objektivman evalye tout prèv ki enpòtan epi ki pa oseptab, ki gen ladan tou prèv ki enkilpe ak prèv ki ekskile. Prèv inkilpatwa refere a prèv ki gen tandans endike

responsablite ak prèv ekskilpasyon refere a prèv ki gen tandans endike non-responsablite. Detèminasyon kredibilite pa pral baze sou estati yon moun kòm yon moun ki plenyen, moun ki reponn, oswa temwen.

- 7) Kalite prèv sa yo, ak kesyon k ap chèche prèv sa yo, pa pèmèt, kèlkeswa enpòtans yo:
- a. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
- 8) In the course of implementing supportive measures, informal resolution, and/or a grievance procedure, and throughout the same, if either a complainant or respondent is identified as an elementary or secondary student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, 34 CFR 300.321, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under 34 CFR 104.35(c), if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

## **Definisyon**

**Plenyen:**

(1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part; or

(2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or this part and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

**Complaint:** an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or this part.

**Anplwaye Konfidansyèl:**

(1) An employee of a recipient whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

(2) An employee of a recipient whom the recipient has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services.

**Sanksyon Disiplinè:** consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

**Party:** a complainant or respondent.

**Peer retaliation:** retaliation by a student against another student.

**Pregnancy or related conditions:**

(1) Pregnancy, childbirth, termination of pregnancy, or lactation;

(2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

(3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

**Relevant:** related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies:** measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

**Respondent:** a person who is alleged to have violated the recipient's prohibition on sex discrimination.

**Retaliation:** intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process. Nothing in this definition or this part precludes the District from requiring an employee or other person authorized by the District to provide aid, benefit, or service under the recipient's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part.

**Sex-based Harassment:** a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described, that is:

(1) *Quid pro quo* harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

- (v) Other sex-based harassment in the recipient's education program or activity; or
- (3) Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined by federal law.

**Supportive measures:** individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures

Supportive measures available to complainants and respondents include but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual discrimination.

### **Responding to Allegations of Sexual Discrimination**

**Reporting.** The Title IX Coordinator shall be responsible for coordinating the District's response to all allegations of sexual discrimination. The Title IX Coordinator may designate another staff member this responsibility depending on the needs of the District. All employees of the District must promptly report allegations of sexual discrimination to their supervisor (e.g., building based Principal) or the Title IX Coordinator / or designee directly. Allegations against an employee's direct supervisor may be directed to the office of the Superintendent.

**Informal Resolution.** At any time prior to determining whether sex discrimination occurred, the District may offer to a complainant and respondent an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based discrimination against a student or such a process would conflict with Federal, State or local law. The District may decline to offer informal resolution if it does not believe it to be appropriate (ex: There is a risk of future harm to others). The District must not require or pressure the parties to participate in an informal resolution process. The District must obtain the parties' voluntary consent to the informal resolution process.

Prior to initiation of informal resolution, the District will notify the parties of the nature of the allegations, any requirements of the informal resolution process, and the right to presume/initiate the grievance procedures. The facilitator for the informal resolution process will be trained and will not be the same person as the investigator or the decisionmaker in the grievance procedures. Parties will be notified that a resolution at the conclusion of such informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations. Informal Resolution is only binding on those parties that consent to participating in it.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

- (i) Restrictions on contact; and
- (ii) Restrictions on the respondent's participation in one or more of the District's programs or activities or attendance at specific events, including restrictions the District could have imposed as remedies or disciplinary sanctions had the District determined at the conclusion of the District's grievance procedures that sex discrimination occurred.

***Initiating the Grievance Procedures.*** Upon receiving notice of alleged discrimination, the Title IX Coordinator shall meet with the Complainant, or alleged victim, to gather additional information about the allegations, explain the Grievance Procedures, informal resolution, offer supportive measures, and act promptly and effectively to end any ongoing discrimination. If the Complainant chooses to initiate the Grievance Procedures, the Title IX Coordinator will provide written notification to the Complainant and Respondent. That notice shall include:

- The District's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s) (if known);
- A statement prohibiting retaliation; and
- A statement prohibiting knowingly submitting false information

In absence of a complaint, the Title IX Coordinator may determine whether to initiate a complaint of sex discrimination on behalf of the district. In doing so, they must consider the complainant's requests, safety concerns, risks of additional misconduct, the nature scope, and severity of the allegations, the age and relationship of the parties, the availability of evidence, and the districts ability to end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the recipient from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

**Investigation.** The Title IX Coordinator /or designee will assign an Investigator to each Complaint of discrimination based upon sex. This person may be the Title IX Coordinator themselves. The Investigator shall be responsible for seeking and gathering evidence relative to the investigation.

The Investigator may may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. As a general rule, the Investigator will complete the investigation within thirty (30) days of the parties being notified of the Complaint.

Each party has equal opportunity to access evidence upon request and respond to such evidence. Parties may submit evidence and/or provide information they believe to be relevant to the investigation. However, the District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

**Determination.** Upon completion of the investigation, a Decision-Maker, who may be the same person as the Investigator or the Title IX Coordinator, shall issue a written determination to be submitted to both parties. The determination shall be based on an objective review of all relevant evidence. The standard of proof utilized shall be a preponderance of the evidence. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.

If the decision-maker determines that sexual discrimination occurred, they will make recommendations on sanctions and remedies to restore / ensure access to education. Persons who violate said policy may receive to disciplinary action, including but not limited to, reprimand, suspension, and/or termination, subject to state & federal law (e.g., MGL Chapter 71, §§ 37H 3/4).

No discipline may be imposed on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination. Notwithstanding this, the District shall not be precluded from addressing the allegations under other relevant District policies or procedure(s), including, but not limited to: the student Code of Conduct, Collective Bargaining Agreements, or the Bullying Prevention and Intervention Plan.

**Apèl.** Either party may appeal a determination of responsibility or dismissal of a Complaint for the following reasons:



- procedural irregularity that affected the outcome of the matter;
- newly discovered evidence that could affect the outcome of the matter; and/or
- Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal must be submitted in writing to the Superintendent within five (5) calendar days after receiving a determination of responsibility or notice of dismissal, unless the Superintendent, in their discretion, grants an extension. The Superintendent shall notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent and implement appeal procedures equally for the parties. Both parties will be provided a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome and will be notified of the result of the appeal and the rationale for the result.

The Superintendent and/or their designee shall issue a decision no later than thirty days of the date of the receipt of the appeal.

**Revokasyon.** Distri a ka rejte yon plent pou diskriminasyon sèks si:

- Distri a pa kapab idantifye moun ki reponn a apre li fin pran mezi rezonab pou fè sa;
- Repondan an pa patisipe nan pwogram edikasyon oswa aktivite Distri a epi li pa anplwaye nan Distri a;
- Moun ki pote plent la retire volontèman nenpòt oswa tout akizasyon ki nan plent lan, Koòdonatè Tit IX la refize inisyè yon plent, epi Distri a detèmine ke, san akizasyon plent lan te retire a, konduit akize a ki rete nan plent lan, si genyen, pa konstitye diskriminasyon sèks anba Tit IX menm si pwouve; oswa
- Distri a detèmine konduit yo swadizan nan plent lan, menm si li pwouve, pa ta reprezante diskriminasyon sèks dapre Tit IX.

Lè yo ranvwa plent la, Distri a pral notifiye moun ki pote plent lan san pèdi tan, oswa toude pati yo si yo te avize moun ki reponn a, alekri baz pou ranvwa a. Yo ka fè apèl kont ranvwa yo pou rezon sa yo:

- Iregularite pwosedi ki ta chanje rezilta a;
- Nouvo prèv ki ta chanje rezilta a epi ki pa t disponib nan yon fason rezonab lè yo te ranvwaye a; epi
- Kowòdonatè Tit IX la, investigatè, oswa moun k ap pran desizyon an te gen yon konfli enterè oswa patipri pou oswa kont moun k ap plenyen oswa endividyèlman moun k ap reponn yo an jeneral oswa moun k ap plenyen an oswa moun ki reponn a ki t ap chanje rezilta a.

Lè yo rejte yon plent, distri a pral, nan yon minimòm:

- Ofri mezi sipò bay moun ki pote plent lan jan sa apwopriye;
- Si moun ki reponn a te avèti akizasyon yo te font yo, ofri mezi sipò bay moun ki reponn yo jan sa apwopriye; epi

- Pran lòt etap rapid ak efikas, jan sa apwopriye, atravè Kowòdonatè Tit IX la pou asire ke diskriminasyon sèks pa kontinye oswa repete nan pwogram edikasyon oswa aktivite Distri a.

**Retire an Ijans.** Pa gen anyen k ap anpeche Distri a retire yon moun k ap reponn nan yon ijans, depi moun k ap resevwa a fè yon analiz sekirite ak risk endividyèl, detèmine ke yon menas iminan ak grav pou sante oswa sekirite yon moun k ap plenyen oswa nenpòt elèv, anplwaye oswa lòt moun. ki soti nan akizasyon diskriminasyon sèks jistifye ranvwa, epi bay moun ki reponn a yon avi ak yon opòtinite pou konteste desizyon an imedyatman apre yo fin retire li.

**Konje administratif.** Pa gen anyen nan pati sa a ki anpeche Distri a mete yon anplwaye ki repond nan konje administratif de responsablite travay pandan pwosedi doleyans moun k ap resevwa a ap anpandan.

**Dosye.** Yo pral kenbe dosye ki gen rapò ak pwosedi sa a pou yon peryòd sèt (7) ane.