

1-2

REVISED POLICY

File ACE

MEDFIELD PUBLIC SCHOOLS

NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

Title VI, Title IX, Section 504, ADA, Age Discrimination Act M.G.L. c. 76 §5, M.G.L. c. 151C,
603 C.M.R. §26.08

1 Introduction

The Medfield Public Schools has a commitment to maintaining an educational environment where bigotry and intolerance, including discrimination such as harassment on the basis of race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age, are not tolerated. Discrimination, including harassment, is contrary to the mission of the Medfield Public Schools and its commitment to equal opportunity in education.

The Medfield Public Schools does not discriminate against students, parents, employees or the general public. No person shall be excluded from or discriminated against in admission to the Medfield Public Schools, or in obtaining the advantages, privileges and courses of study of the Medfield Public Schools on account of race, color, sex, gender identity, religion, national origin, or sexual orientation. (M.G.L.c. 76 §5). Additionally, the Medfield Public Schools does not tolerate harassment based upon race, color, sex, gender identity, religion, national origin, or sexual orientation. (603 CMR 26.08).

For purposes of this policy and procedure, "school" includes school-sponsored events, trips, sports events, similar events connected with school or employment. Any retaliation against an individual who has complained about discrimination, including harassment, or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint, is also unlawful and will not be tolerated.

The Medfield Public Schools takes allegations of discrimination including harassment, seriously and will respond promptly to complaints. Where it is determined that conduct that violates the law and this policy has occurred, the Medfield Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include school-related discipline.

II. Definition of Discrimination and Harassment

"Discrimination" includes conduct that excludes a person from participation in, denies an individual the benefits of, or otherwise subjects an individual to different treatment on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, age, or disability. Harassing conduct involving these bases can be a form of discrimination.

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that is based on: race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age. Harassment is prohibited by the Medfield Public Schools, and violates the law.

Examples of harassment include:

- Display or circulation of written materials or pictures that are degrading to a person or group based upon the criteria listed above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above because of one of the criteria listed above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from a school program or activity of the Medfield Public Schools; or (ii) creates an intimidating, threatening or abusive educational environment.

Many forms of harassment have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, the ADA, Title VI, Title IX and state statutes like M.G.L. 151C) by federal courts, state courts, the U.S. Department of Education, Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities or as a basis for employment decisions.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, cartoons.

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school environment that is hostile, offensive, intimidating, or humiliating may constitute discrimination, harassment and/or sexual harassment.

III. Grievance Procedure: Reporting Complaints of Discrimination and Harassment

a. Introduction

If any Medfield Public Schools student, parent or employee believes, in good faith, that he or she has been subjected to sexual harassment or any other form of harassment or discrimination described above, the individual has a right to file a complaint with the Medfield Public Schools. This may be done informally or formally, as described below.

Teachers or other staff members who observe or receive reports of incidents of harassment or discrimination involving students shall report such incidents immediately to the student's Principal. Administrators aware of harassment or discrimination involving any employee shall report such incidents to the Civil Rights Coordinator, listed below, or to the Superintendent.

Please note that while these procedures relate to the Medfield Public Schools' policy of promoting an educational setting free from discrimination and harassment, including sexual harassment, as detailed further in this policy, these procedures are not designed nor intended to limit the Medfield Public Schools' authority to discipline or take remedial action for conduct which the Medfield Public Schools deems unacceptable.

b. Grievance Procedures

i. District Contact

District Civil Rights Coordinator for Title VI (race, color, national origin); Title IX (sex); Section 504 (disability); Title II of the ADA (disability); Religion, Sexual Orientation, Gender Identity and Age is:

Ms. Mary Bruhl, Director of Student Services
459 Main St. Medfield, MA 02052
508-359-7135

Students, parents or employees who wish to initiate the formal complaint process may also put their complaint in writing to the building Principal. Any Principal receiving such a complaint shall immediately forward the complaint to the District Coordinator listed above, who will then begin the formal procedure described below.

Any teacher or other employee who receives a formal complaint of discrimination or harassment shall immediately forward the complaint to the building Principal. The Principal will then forward the complaint to the District Coordinator listed above, who will begin the formal procedure described below.

The District Coordinator shall handle the investigation and resolution of the complaint, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her

behalf. 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 chairperson of the school committee, who should consult with legal counsel concerning the handling and investigation of the complaint.

ii. Internal Grievance Procedure

1. Informal Resolution of Discrimination and Harassment Complaints

Before initiating the formal procedure, the student/parent/employee may wish, if possible, to resolve the complaint on an informal basis through discussion.

A student or parent can discuss the issue with his/her teacher or building Principal. An employee can discuss the issue with his/her immediate supervisor or the building Principal.

The person receiving the complaint shall attempt, within his/her authority, to work with the individual to resolve the issue fairly and expeditiously within ten (10) working days of receiving the complaint. 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.¹

2. Formal Resolution of Discrimination and Harassment Concerns:

A student, parent or employee who is not satisfied with the informal resolution process or who chooses not to participate in the informal resolution process may initiate the formal complaint procedure at any time by putting the complaint in writing to the District Civil Rights Coordinator. An employee, at the request of the student, may put the complaint in writing for the student.

a. What the complaint should include

The student/parent/employee's complaint should include: the name of the individual making the complaint, the name of the individual aggrieved, the name of the individual(s) accused of committing the harassing or discriminatory practice, the location of the school/department where the alleged discriminatory practice occurred, the basis for the complaint, witnesses (if any) and the corrective action the student is seeking.

If the written complaint does not contain this information, the District Civil Rights Coordinator will ask the complainant for this information.

¹ Informal resolution may not be appropriate in all cases, including but not limited to more severe or egregious allegations of discrimination or harassment.

b. When to file a complaint

Efforts should be made to file such complaint within twenty (20) calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. However, the Medfield Public Schools will investigate any complaint no matter when it is filed.

c. What will happen after the complaint is filed

Promptly after receiving the complaint, the District Civil Rights Coordinator will conduct the necessary investigation, including making good faith efforts to gather all relevant evidence for consideration. In the course of his/her investigation, the District Civil Rights Coordinator shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant; and the person against whom the complaint was filed and/or the appropriate authority involved; interviewing witnesses; and considering relevant documentation. During this process, complainants will have the opportunity to present witnesses and other relevant evidence to the District Civil Rights Coordinator conducting the investigation.

The District Coordinator or designee should use appropriate interim measures during the investigation of a complaint to ensure that the student is free from discrimination and/or harassment during the pending investigation.

Barring extenuating circumstances, the District Civil Rights Coordinator, will complete the investigation within thirty (30) working days. When more than thirty (30) working days is required for the investigation, the District Civil Rights Coordinator shall inform the complainant that the investigation is still ongoing.

After completing the formal investigation of the complaint, the District Civil Rights Coordinator shall make a decision on the complaint within fifteen (15) working days and shall inform the complainant and the person(s) against whom the complaint was made, of the results of the investigation in writing. If the District Civil Rights Coordinator finds that there is reasonable cause for believing that a discriminatory or harassing practice has occurred, the District Civil Rights Coordinator will refer the matter to the Superintendent of the Medfield Public Schools and/or his or her designee for appropriate action, up to and including discipline for either the employee or the student(s) who engaged in the harassing or discriminatory conduct.

d. What you can do if you are not satisfied with the outcome of the formal complaint procedure

If the complainant is not satisfied with the District Civil Rights Coordinator's decision, he/she can appeal the District Civil Rights Coordinator's finding to the Superintendent within five

school days.

The Superintendent will review the information considered by the District Civil Rights Coordinator, collect any additional information he/she believes is necessary to make an informed decision and shall issue a written decision to the complainant and the person against whom the complaint was made. Again, strict timelines cannot be set for conducting the investigation because each set of circumstances is different. However, the Superintendent will make sure that the complaint is handled as quickly as feasible and will strive to complete the investigation within ten (10) working days.

If the complainant is not satisfied with the Superintendent's decision, or if he/she does not choose either of the internal resolution processes, he/she may follow the external grievance procedure described below.

Contact information for the Superintendent:

Dr. Jeffrey Marsden, Superintendent.(508)359-2302

iii. 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.

1. 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

2. 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
IDD: 877-521-2172

3. 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
TTY: 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

IV. General Policies

- I. No reprisals or retaliation shall be invoked against any person for processing, in good faith, a complaint, either on an informal basis or formal basis, or for participating in any way in these complaint procedures.
2. No reprisals or retaliation shall be invoked against any person who, in good faith, has testified, assisted or participated in any manner in any investigations, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures.
3. Whenever possible, a conference should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs.

4. The Medfield Public Schools will work with an individual who files a complaint of discrimination or harassment; including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

Approved by:
School Committee