NON-DISCRIMINATION AND ANTI-HARASSMENT PROCEDURES (EXCEPT FOR TITLE IX)

It is the policy of the Marshfield Public Schools to maintain a learning environment that is free from harassment or discrimination of any kind, including sex-based harassment. It is a violation of this policy for any member of the school community to harass or discriminate against another individual as outlined in this policy. Sexual harassment will be addressed through a separate Title IX procedure/policy, but sex-based harassment or discrimination will be addressed through this policy. Any allegation of harassment or discrimination will be investigated, and, if a violation of this policy is substantiated, disciplinary action will be taken. All reports of harassment or discrimination shall be investigated promptly, impartially, and in a manner that will preserve the confidentiality of all concerned to the extent practicable under the circumstances.

Any employee, student or third party who believes that he or she has experienced harassment or discrimination on the basis of his or her actual or perceived race, color, creed, ethnicity, religion, national origin, sex/gender, homelessness, disability, sexual orientation, gender identity or age or who has witnessed or learns about the harassment of or discrimination against, another person in the school environment, should inform the principal of the relevant school site or appropriate discrimination/harassment complaint official immediately or as soon as possible. For complaints based on sexual harassment, please follow the District's Title IX policies and procedures. The Marshfield Public Schools further does not deny equal access to or a fair opportunity to meet, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society

Harassment and discrimination is banned not just at school, during school hours, but also before or after school hours on all school property, including the school bus, school functions, or at school events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment, taking into consideration the totality of the circumstances on and off campus.

Problems and complaints regarding discrimination and harassment should be resolved in a prompt and equitable manner. When possible, such problems and complaints should be resolved in an informal manner.

I. Reporting Responsibilities

Everyone in the school community is responsible for immediately reporting incidents of harassment, discrimination, and/or retaliation, by anyone, in any form, that are directed at or witnessed by them at school or at a school-sponsored event or of which they otherwise learn. Failure to cooperate with an investigation of such an incident will result in disciplinary action. Deceptive reporting may also be subject to a disciplinary response.

An individual may report to either the principal of the relevant school site or appropriate discrimination/harassment complaint official at his or her discretion. Students may additionally report incidents that they believe involve harassment or discrimination to their guidance counselor, any teacher, administrator, or any member of the support staff, and the staff member will refer the complaint to the principal or the discrimination/harassment complaint official. If a School Guidance or Adjustment Counselor, School Nurse, or any member of the teaching staff, is contacted concerning a complaint or possible complaint, he/she should refer the matter to the principal immediately. Staff who observe conduct which violates this policy are to report the conduct to the principal immediately.

Employees who need help or wish to talk about harassment should contact the school principal, the appropriate discrimination/harassment complaint official, the perpetrator's immediate supervisor, or any other school administrator immediately.

If one of the discrimination/harassment complaint officials is the person alleged to be engaged in discrimination/harassment, the complaint may be filed with one of alternate officials or any other school employee the student or employee chooses.

The discrimination/harassment complaint officials for the Marshfield Public Schools are the following individuals on a district-wide level:

Section 504 of the Rehabilitation Act of 1973

Coordinator: Amy Scolaro, Assistant Superintendent Student Services **781-834-5000**

Section 504 provides that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The regulations implementing Section 504 require that public schools provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature of severity of the person's handicap. (34 C.F.R. §104.33)

Title VI of the Civil Rights Act of 1964

Coordinator: Ellen M. Martin, Ed. D., Assistant Superintendent **781-834-5000**
Coordinator: Amy Scolaro, Assistant Superintendent Student Services **781-834-5000**

Statute prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. This statute ensures that individuals are not excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity on account of their membership in one of these protected categories (42 U.S.C. §2000d). Title VI, in conjunction with other federal statutes, also prohibits the denial of equal access to education because of a language minority student's limited proficiency in English.

Title IX of the Education Amendments of 1972

Coordinator: Ellen M. Martin, Ed. D., Assistant Superintendent	**781-834-5000**
Coordinator: Amy Scolaro, Assistant Superintendent Student Services	**781-834-5000**

Title IX of the Education Amendments of 1972 provides that no individual shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Title IX requires that schools adopt and publish a policy against sex discrimination and have grievance procedures through which individuals can complain of alleged sex discrimination, including sexual harassment. State law also requires Massachusetts employers to have a policy against sexual harassment. (M.G.L., c. 151B, §3A)

Age Discrimination/Boy Scouts

HOMELESS - McKinney-Vento Homeless Assistance Act

Coordinator:	**Robynne Ryan-Lambert**	**781-834-5000**

School districts must ensure that homeless children and unaccompanied youth have equal access to the same public education as provided to other children and youths. (42 U.S.C §11431). A homeless student has the right to continue attending in his/her school of origin or to enroll in the public schools of the district where the homeless student temporarily resides. Homeless students also have the right to continue attending in their school of origin until the end of the school year in which they obtain permanent housing.

The school principals will serve as the building-level coordinators for these categories.

II. Procedures for Investigating

The procedures set forth in this policy may be invoked even if other appeals and adjudication procedures have been provided by state law or federal law. Retaliation in any form for the filing of a complaint or reporting of harassment or discrimination is prohibited and will result in serious disciplinary action.

When a complaint of harassment or discrimination is received by the District, that allegation will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and to the extent consistent with the law and collective bargaining agreements. The District will not issue any gag orders against the alleged victim or alleged aggressor. The grievance officer or discrimination/harassment complaint official will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

The investigation will include a private interview with the person filing the complaint and with witnesses. The investigation will also include an interview with the person alleged to have committed the harassment or discrimination. Each party will have the opportunity to provide evidence and witnesses.

In certain cases, the harassment of a student may constitute child abuse under state law. The Marshfield Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

The specific procedures to be followed in conducting the investigations are set forth more fully below.

1. Any staff member who receives a complaint verbally or in writing concerning harassment or discrimination, or observes conduct which he/she believes may constitute harassment or discrimination is required to document the complaint and refer it to the school principal or discrimination/harassment complaint official immediately. Although the Marshfield Public Schools encourages a written complaint, the use of a formal reporting requirement is not required. Oral reports will be considered complaints as well. The principal or discrimination/harassment complaint official shall ensure that the report is documented in writing within two (2) days of receiving the complaint. The principal must send copies to the relevant discrimination/harassment complaint official within two (2) school days.

2. If the alleged victim or the alleged perpetrator chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, he or she may proceed to the formal procedure. The informal process is completely voluntary and individuals can opt-out at any time.

3. The informal process will be a voluntary conversation between the alleged victim and the alleged perpetrator, which is facilitated by a school employee or by a designated discrimination/harassment complaint official. If the alleged victim or alleged perpetrator is a student under the age of eighteen (18), the facilitator **will** notify the student's parent(s)/guardian(s) if, after initial consultation with the student, it is determined to be in the best interest of the student. If the alleged victim and the alleged perpetrator feel that a resolution has been achieved, then the conversation remains confidential, and no further action needs to be taken. The voluntary conversation must occur within five (5) workdays after receiving the complaint of discrimination or harassment. The results of an informal resolution shall be maintained by the facilitator, in writing.

4. If the alleged victim does not want to deal directly with the alleged perpetrator, or if the matter is not resolved informally, the complainant should immediately notify the school principal or the discrimination/harassment complaint official for formal resolution.

5. For a formal complaint, the alleged victim (or complainant, if not the alleged victim) will be asked to put the complaint in writing, which begins the formal investigation process conducted by the school principal or the discrimination/harassment complaint official. If the alleged victim is not able to put the complaint in writing, the principal or discrimination/harassment complaint official will document the complaint and ask the alleged victim to sign it. If requested, a Guidance / Adjustment Counselor, a School Nurse, or a School Psychologist may assist a student with the documentation process.

6. During the investigation, the school principal or discrimination/harassment complaint official will:

- Keep the investigation group as small as possible to protect the rights of all parties and to prevent the investigation from becoming overly publicized, and to protect the alleged victim (in addition to the complainant, if not the alleged victim) from retaliation.

- Complete the investigation as soon as possible from the date that it is reported, but no later than thirty (30) work days from the date of the complaint or report, unless impracticable. The investigation will include interviewing the complainant, the alleged victim (if different than the complainant), the alleged perpetrator, and such other person(s) named by the complainant, alleged victim (if different than the complainant), or the alleged perpetrator who may have witnessed or have information pertaining to the incident. An opportunity will be provided for all parties to be heard and present witnesses.

- Throughout the investigation, the District will maintain ongoing contact with the alleged victim. In determining whether the alleged conduct constitutes a violation of this policy, the school principal or discrimination/harassment complaint official shall consider the age and level of understanding of the student(s) involved, surrounding circumstances, any relevant documents, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of the District's policy prohibiting discrimination or harassment based on the actual or perceived protected class status of a student, employee, or third party requires a determination based on all of the facts and surrounding circumstances. Given that victims often experience continuing effects of harassment in the educational setting, during the investigative process, the District will consider off-campus conduct to determine whether there is a hostile environment on campus.

7. After completing the investigation, the school principal or discrimination/harassment complaint official will conclude whether a violation of the policy has occurred or not; complete the written investigation report form and send copies of the report to the discrimination/harassment complaint official, if the school principal is conducting the investigation, the superintendent, the alleged victim (in addition to the complainant, if not the alleged victim) and the alleged perpetrator. The report shall include:

- a statement of the allegations investigated;
- a summary of the steps taken to investigate the allegations;
- the findings of fact based on a preponderance of the evidence gathered;
- the District's conclusion of whether discrimination or harassment did or did not occur;
- the disposition of the complaint;
- the rationale for the disposition of the complaint; and
- if the District concluded discrimination or harassment occurred, a description of the District's response.

The school principal or the discrimination/harassment complaint official shall determine whether the allegations have been substantiated as factual and whether they appear to be violations of this policy, 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.

If the complaint is supported, the report should recommend what action, if any, is required and will identify what steps the District is going to take to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

8. Formal disciplinary actions shall be imposed in the event that the preponderance of the evidence indicates that the alleged conduct occurred. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement. The seriousness of the offense, including the nature and degree of harm caused, shall be considered when deciding the appropriate disciplinary action.

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions, including suspension or job termination.

- If the person alleged to have violated this policy is a student, possible discipline includes reprimand, classes or instruction on appropriate behavior, counseling, class transfer, detention, suspension, or expulsion, consistent with the Student Code of Conduct.

- Any discipline of students will focus on changing behavior and ensuring that students learn about the impact of their behaviors and attitudes. Possible remedial action includes:

    - Interventions for the alleged victim, such as counseling, academic support, health services, assigning an escort to allow the student to move safely between classes, and instruction on how to report other incidents of harassment or discrimination.

    - Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute harassment or discrimination, and how to report it.

    - Interventions for the individual who engaged in the conduct, such as parent notification, counseling, guidance, education about the impact of the conduct, positive behavior support, referral to a student success team, transfer to alternative programs, denial of participation in extracurricular or co-curricular activities or other privileges, and discipline.

- If it is established that the conduct involves a violation of law, report the matter immediately to the appropriate law enforcement authorities.

9. Appeal Procedure

- The alleged victim (or complainant if different than the alleged victim) or alleged perpetrator has the right to appeal the decision of the Superintendent in writing within two (2) school days after the decision is formally made. The Superintendent of Schools will respond in writing to the alleged victim (or complainant if different than the alleged victim) or alleged perpetrator within ten (10) school days.

III. Interim Measures

The Marshfield Public Schools shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process, and address any ongoing harassment or discrimination.

Examples of interim measures include, but are not limited to:

- Providing counseling services via the school adjustment counselor and/or school psychologist for both the alleged victim and the alleged perpetrator;
- Providing academic support services;
- Ensuring no contact between the alleged victim and alleged perpetrator in District programs and activities (e.g., through stay away orders); the District will take care to minimize the burden of such steps on the alleged victim;
- Providing an alternate schedule to ensure that the alleged victim and alleged perpetrator do not attend the same classes;
- Informing the alleged victim of how to report any recurring conduct or retaliation;
- Providing the alleged victim with alternative movement between classes and activities; and
- Making a community-based referral to medical and counseling services.

If the circumstances suggest a threat to others, the school principal or the discrimination/harassment complaint official will ensure that the District informs relevant members of the school community. This may include, for example, notifying employees of areas where harassment or discrimination frequently occurs.

IV. Referral to Law Enforcement and Other Agencies

Some alleged conduct may constitute both a violation of District policies and criminal activity. The school principal or the discrimination/harassment complaint official will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant of the right to file a criminal complaint.

The school principal or the discrimination/harassment complaint official will follow this procedure regardless of whether the alleged conduct is also being investigated by another agency, unless the fact-finding process would impede a law enforcement investigation. In such cases, the

school principal or the discrimination/harassment complaint official will determine whether interim measures to protect the well-being of the complainant and the school community and prevent retaliation are needed while the law enforcement agency's fact-gathering is in progress. Once notified that law enforcement has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the school principal or the discrimination/harassment complaint official will promptly resume and complete the investigation.

Additionally, several behaviors listed as harassment may also constitute physical abuse. Thus, under certain circumstances, alleged harassment may also constitute physical abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Children and Families within twenty-four (24) hours of the time the educator becomes aware of the suspected abuse. All school personnel are identified as being mandatory reporters.

V. Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a neutral third-party investigator to conduct the investigation, or recusing from the process the person for whom a conflict or potential conflict of interest exists.

VI. Retaliation

Retaliation in any form for the filing of a complaint, the reporting of discrimination, including harassment, or participating in an investigation is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. If retaliation is established, it can be considered grounds for disciplinary action. Any allegations of reprisal will be subject to the same kind of investigation and disciplinary action as described above. The school principal or the discrimination/harassment complaint official will inform all involved individuals that retaliation is prohibited, and that anyone who feels they have experienced harassment, coercion, intimidation, or discrimination for filing a complaint or participating in the resolution process should inform the school principal or the discrimination/harassment complaint official.

VII. Right to Alternative Complaint Procedures

In addition to the remedies set forth above, if you believe you have been subjected to harassment or discrimination, you may file a formal complaint with the government agency or agencies set forth below. Using the District complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim.

A. Students

If you believe you have been subjected to harassment or discrimination, you may file a formal complaint with:

Massachusetts Department of Elementary and Secondary Education
Program Quality Assurance Services
75 Pleasant Street, Malden, MA 02148-4906
Phone: (781) 338-3700
FAX: (781) 338-3710
Email: compliance@doe.mass.edu

The time period for filing a claim is one year from the action.

United States Department of Education
Office for Civil Rights("OCR")
5 Post Office Square
Boston, MA 02109
tel. (617) 289-0111

The time period for filing a claim with the United States Department of Education Office for Civil Rights is 180 days.

B. Employees

If you believe you have been subjected to harassment or discrimination, you may file a formal complaint with either or both of the government agencies set forth below:

1. United States Equal Employment Opportunity Commission ("EEOC")
JFK Federal Building, Room 475
Boston, MA 02203
tel. (800) 669-4000

The time period for filing a claim with the EEOC is 180 days.

2. Massachusetts Commission Against Discrimination ("MCAD")

Boston Office	Springfield Office
One Ashburton Place, Rm. 601	436 Dwight Street, Rm. 220
Boston, MA 02108	Springfield, MA 01103
(617) 994-6000	(413) 739-2145

The time period for filing a claim with the MCAD is 300 days.