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SCHOOL DISTRICT ORGANIZATION

SCHOOL DISTRICT LEGAL STATUS

Through the medium of the Tenth Amendment, the Constitution of the United States assigns the responsibility for education to the states. In providing that "the powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people," education as an unmentioned power was established as a state function.

Under the General Laws of the Commonwealth of Massachusetts, each city and town shall have a school committee which has charge and superintendence of all public schools in said city or town.

Legal Reference: Massachusetts General Laws, Chapter 41, Section 1

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
First Reading December 18, 1989
Approved January 8, 1990
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed December 12, 2019

SCHOOL DISTRICT ORGANIZATION

SCHOOL COMMITTEE LEGAL STATUS

Under the General Laws of the Commonwealth of Massachusetts, the school committee shall have general charge of all the public schools, including the evening schools and evening high schools, and of vocational schools and departments when not otherwise provided for.

Legal Reference: Chapter 71, Section 37, General Laws

First Reading February 28, 1972

Approved June 5, 1972

Reviewed March, 1983

Reviewed September, 1995

Reviewed March 28, 2011

Reviewed December 12, 2019

SCHOOL DISTRICT ORGANIZATION

AUTHORITY OF SCHOOL COMMITTEE

A school committee has the right to make policy as a basis for reasonable rules and regulations for the conduct of a school system.

Legal Reference: Chapter 71, Section 37, General Laws

First Reading February 28, 1972
Approved June 5, 1972
Reviewed and Revised, March, 1983
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed December 12, 2019

SCHOOL DISTRICT ORGANIZATION

SCHOOL COMMITTEE POWERS AND DUTIES

The School Committee has all the powers conferred upon it by state law and must perform those duties mandated by the state. These include the responsibility and right to determine policies and practices and to employ a staff to implement its directions for the proper education of the children of the community.

I. Responsibilities of the Committee as a whole:

1. Legislative or policymaking. The Committee is responsible for the development of policy as guides for administrative action and for employing a Superintendent who will implement its policies.
2. Appraisal. The Committee is responsible for evaluating the effectiveness of its policies and their implementation.
3. Provision of financial resources. The Committee is responsible for adoption of a budget that will enable the school system to carry out the Committee's policies.
4. Public relations. The Committee is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
5. Educational planning and evaluation. The Committee is responsible for establishing educational goals and policies that will guide the Committee and staff for the administration and continuing improvement of the educational programs provided by the School District.

Personnel Matters

The Superintendent shall be appointed by vote of the Committee and shall directly report to the Committee as provided by law and perform all the duties that are prescribed by law and such other duties, not inconsistent thereto, as a majority of the Committee may direct.

The School Committee shall appoint, upon the recommendation of the Superintendent, Assistant/Associate/Deputy Superintendent(s), School Business Administrator, Special Education Administrator, School Physician, School Nurses, and Supervisor of Attendance. Such positions shall not report directly to the School Committee.

II. Responsibilities of Individual Committee Members:

1. To become familiar with the General Laws of Massachusetts pertaining to education, the regulations of the State Department of Education and the policies, rules and regulations of the School Committee. It is the responsibility of the members to keep their policy manuals up to date.

2. To work harmoniously with other School Committee members.
3. To vote and act impartially at School Committee meetings for the good of the entire community.
4. To accept and support the majority vote of the School Committee.
5. To represent the School Committee and the school system in such a way as to promote the interest and support of the public.
6. To realize that School Committee members have authority only when acting as a body in a legal meeting.
7. To refer complaints to the proper school authorities and to abstain from individual counsel and action.
8. To uphold the intent of Executive Sessions and respect the privileged communication that exists in Executive Sessions.

SOURCE: MASC July 2016

LEGAL REF: M.G.L. 71:37 specifically, but powers and duties of School Committees are established throughout the Massachusetts General Laws.

First Reading February 28, 1972

Approved June 5, 1972

Reviewed March, 1983

Reviewed September, 1995

Revised, First Reading October 16, 2017

Approved November 13, 2017

SCHOOL DISTRICT ORGANIZATION

NON-DISCRIMINATION AND HARASSMENT

The North Reading Public Schools does not tolerate discrimination against students, parents, employees or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, pregnancy or pregnancy status, disability, homelessness, religion, age or immigration status. The North Reading Public Schools is also committed to maintaining a school environment free of harassment based on race, color, national origin, sex, sexual orientation, gender identity, pregnancy or pregnancy status, disability, homelessness, religion, age or immigration status. In addition, the District provides equal access to all designated youth groups. Consistent with the requirements of the McKinney-Vento Act, the District also does not discriminate against students on the basis of homelessness.

The Superintendent shall designate at least one administrator to serve as the compliance officer for the District's non-discrimination policies in education-related activities, including but not limited to responding to inquiries related to Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Act; M.G.L. c. 76, § 5; M.G.L. c. 151B and 151C; and 603 C.M.R. § 26.00. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or both.

The North Reading Public Schools' policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admission to a public school of North Reading or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, national origin, sex, sexual orientation, gender identity, pregnancy or pregnancy status, disability, homelessness, religion, age or immigration status.

In addition to designating at least one administrator to handle inquiries regarding the District's non-discrimination policies, the Superintendent shall adopt and publish one or more grievance procedures for addressing reports of discrimination, harassment and retaliation under the protected classes identified in this policy. If an individual is interested in filing a complaint that they have been discriminated against because of race, color, national origin, sex, sexual orientation, gender identity, pregnancy or pregnancy status, disability, homelessness, religion, age or immigration status, their complaint should be filed in accordance with the District's grievance procedures for discrimination, harassment, and retaliation.

The student handbooks and grievance procedures shall identify the name, office address and telephone number for the compliance officer(s) for the above-referenced statutes and this policy and be posted on the District's website.

(Replaces former policies ABBA, GAAA, JCA and JCAD)

First Reading November 19, 2020

Approved December 10, 2020

SCHOOL DISTRICT ORGANIZATION

SECTION 504

Section 504 of the Rehabilitation Act of 1973 protects the rights of individuals with disabilities in programs and activities, including schools that receive federal funds. Section 504 provides that: "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his 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."

Section 504 protects all persons with a disability who:

1. have a physical or mental impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. have a record of such an impairment; or
3. are regarded as having such an impairment.

The North Reading Public School district recognizes a responsibility to identify, evaluate, and if the student is determined to be eligible under Section 504, to afford access to appropriate educational services which allow the student to participate in the general education program.

If the parent/guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to file an internal grievance with the Building 504 Coordinator, the Principal, or the District 504 Coordinator, the Student Services Director. A copy of the grievance/complaint form is in the Student/Parent Handbook. You may request the grievance procedures from the Student Services Office.

If the parent/guardian disagrees with the identification, evaluation or placement decision, he/she may request an impartial hearing before a hearing officer at the Bureau of Special Education Appeals, whether or not the party has pursued or is pursuing an internal grievance. Parents may examine the records relevant to the District's identification, evaluation, and placement actions.

The Family Educational Rights and Privacy Act (FERPA) specifies rights related to educational records. This act gives the parent/guardian the right to:

1. Inspect and review his/her child's educational records;
2. Make copies of these records;
3. Receive a list of all individuals having access to those records;
4. Ask for an explanation of any item in the records;
5. Ask for an amendment to any report on the grounds that it is inaccurate, misleading, violates the child's rights; and
6. A hearing, before the Superintendent, on the issue if the school refuses to make the amendment.

If there are any questions, please feel free to contact the Director of Student Services and District 504 Coordinator at 978-664-7823.

Approved June 23, 2009

Updated August 19, 2011

Reviewed November 13, 2012

Reviewed July 27, 2017

SCHOOL DISTRICT ORGANIZATION

CIVIL RIGHTS GRIEVANCE PROCEDURE

The North Reading Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Procedure is unlawful and will not be tolerated by the North Reading Public Schools.

Persons who engage in harassment, discrimination 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 district administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District’s *Title IX Sexual Harassment Grievance Procedure*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedure*. https://www.north-reading.k12.ma.us/sites/g/files/vyhlif1001/f/pages/title_ix_0.pdf

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

Definitions

For the purposes of this Procedure:

- A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school district.

- B. “Harassment” means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual’s participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term “sexual harassment” is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term “sexual harassment” is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any

right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.

- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Principal: The Principal or Principal's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the "reporter."

- A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against a Respondent.
- D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal

process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

- E. **Formal Process:** A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. **Initial Assessments:** The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may:
 - (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint;
 - (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel;
 - (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or
 - (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.
- G. **Interim Measures:** The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. **Timeframes:** The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
 2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
 3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
 4. The investigator will keep a written record of the investigation process.
 5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
 6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
 7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.
- K. If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:
1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
 2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

- L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, North Reading Public Schools, 189 Park Street, North Reading Massachusetts

01864. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this Procedure is:

N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location](https://www.eeoc.gov/field-office/boston/location); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination](https://www.mass.gov/orgs/massachusetts-commission-against-discrimination).

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

(Replaces former policies ABBA-R, GAAA-R, JCA-R, JCAD-R, GAAC-R, JCAE-R)
First Reading November 19, 2020
Approved December 10, 2020

RESOLUTION OF NON-DISCRIMINATION COMPLIANCE

GRIEVANCE REPORT FORM

DIRECTIONS: This form should be completed by both the complainant(s) and the Non-Discrimination Compliance Coordinator in the event of a grievance related to non-discrimination compliance.

NAME OF COMPLAINANT _____

EMPLOYEE OR STUDENT _____ BUILDING _____

DAY, DATE, TIME OF REPORT SUBMISSION _____

NAME OF COMPLIANCE COORDINATOR RECEIVING THIS REPORT _____

DAY, DATE, TIME REPORT RECEIVED _____

DAY, DATE, TIME OF ALLEGED INCIDENT _____

SPECIFY TYPE OF DISCRIMINATION ALLEGED

_____ TITLE I

_____ TITLE XI

_____ TITLE II

_____ SECTION 504

_____ TITLE VI

_____ MGL Ch. 76, SECTION 5

NAME(S) OF PERSON(S) PRESENT DURING ALLEGED INCIDENT _____

NATURE OF COMPLAINT (ATTACH ADDITIONAL SHEETS IF NEEDED) _____

SPECIFIC RELIEF DESIRED (WHAT DO YOU WANT DONE OR CORRECTED?) _____

—

FOLLOW-UP (CHECK ONE)

_____ LETTER*

_____ FACE-TO-FACE MEETING*

_____ ADMINISTRATIVE ACTION (EXPLAIN)_____

_____ OTHER (EXPLAIN) _____

SIGNATURES:

COMPLAINANT

NON-DISCRIMINATION COMPLIANCE COORDINATOR

OTHERS PRESENT

*Attach copy of letter and response, if any, or summary of face-to-face meeting.

October, 2003

Reviewed March 28, 2011

Reviewed November 13, 2012

Reviewed July 27, 2017

Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURE

OVERVIEW

The North Reading Public Schools is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the North Reading Public Schools.

SCOPE

The Title IX Sexual Harassment Grievance Procedure has been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedure applies only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedure applies to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedure. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights

Grievance Procedure. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this Procedure the terms “complainant” and “alleged victim” shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant’s physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the District investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District’s education program or activity with which the Formal Complaint is being filed.

Sexual Harassment: Under Title IX, the term “sexual harassment” includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system and set out below:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term “consent” shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent’s designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. 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 harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
 - (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
 - (3) Consider the complainant's wishes with respect to supportive measures;
 - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
 - (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal

laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

- B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this Procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this Procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) **Mandatory Dismissal of Formal Complaint:** The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
 - a. even if proved, would not meet the definition of sexual harassment under Title IX;
 - b. did not occur in an education program or activity of the District; or
 - c. did not occur against a person in the United States.
- (2) **Discretionary Dismissal of Formal Complaint:** The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
 - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
 - b. the respondent is no longer enrolled or employed by the District; or
 - c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedure, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) **Standard of Proof:** The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) **Privacy of Medical Treatment and Mental Health Treatment Records:** The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.

- (8) The investigator 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. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. 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.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed

the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.

- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
 - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
 - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.¹
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
 - (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
 - (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
 - (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
 - (5) The written determination must be sent simultaneously to both parties.
 - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. 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.
- C. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.

¹ The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

- D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.
- E. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
 - (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
 - (3) The informal process shall not exceed thirty (30) calendar days.
- Participation in the informal process will stay the timelines of the Formal Complaint process.
- F. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.
- G. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
 - (2) newly discovered evidence that could affect the outcome of the matter; and/or
 - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this Procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Superintendent, North Reading Public Schools, 189 Park Street, North Reading Massachusetts 01864.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location](https://www.eeoc.gov/field-office/boston/location); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination](https://www.mass.gov/orgs/massachusetts-commission-against-discrimination)
- K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:

- Title IX Coordinator

Sean T. Killeen, Assistant Superintendent
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7810
skilleen@nrpsk12.org

Cynthia Conant, Director of Student Services
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7810
cconant@nrpsk12.org

- Investigator(s):

Anthony Loprete, Principal, North Reading High School
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7800
aloprete@nrpsk12.org

Joseph Hehn, Assistant Principal, North Reading High School
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7800
jhehn@nrpsk12.org

Dr. Catherine O'Connell, Principal, North Reading Middle School
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7806
coconnell@nrpsk12.org

Laura Oliveto, Interim Assistant Principal, North Reading Middle School
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7806
loliveto@nrpsk12.org

Michael Maloney, Interim Principal, L.D. Batchelder School
North Reading Public Schools
175 Park Street North Reading, MA 01864
(978) 664-7814
mmaloney@nrpsk12.org

Dr. Glen McKay, Principal, J. Turner Hood School
North Reading Public Schools
298 Haverhill Street North Reading, MA 01864
(978) 664-7816
gmckay@nrpsk12.org

Christine Molle, Principal, E. Ethel Little School
North Reading Public Schools
7 Barberry Road North Reading, MA 01864
(978) 664-7820
cmolle@nrpsk12.org

Sean T. Killeen, Assistant Superintendent
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Cynthia Conant, Director of Student Services
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189 Park Street North Reading, MA 01864
(978) 664-7810
cconant@nrpsk12.org

- Decision-maker:

Anthony Loprete, Principal, North Reading High School
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7800
aloprete@nrpsk12.org

Dr. Catherine O'Connell, Principal, North Reading Middle School
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Michael Maloney, Interim Principal, L.D. Batchelder School
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Christine Molle, Principal, E. Ethel Little School
North Reading Public Schools
7 Barberry Road North Reading, MA 01864
(978) 664-7820
cmolle@nrpsk12.org

- Appeal Officer:

Patrick C. Daly, Superintendent of Schools
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-9557
pdaly@nrpsk12.org

- Informal Resolution Facilitator:

Michael Rosa, Coordinator of School Counseling
North Reading Public Schools
189 Park Street North Reading, MA 01864
(978) 664-7800
mrosa@nrpsk12.org

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the District's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

(Replaces former policies ABBA-R, GAAA-R, JCA-R, JCAD-R, GAAC-R, JCAE-R)
First Reading November 19, 2020
Approved December 10, 2020

SCHOOL DISTRICT ORGANIZATION

NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school District does not and will not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, ancestry, national or ethnic origin, pregnancy or pregnancy related condition, or homelessness in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, ancestry, national or ethnic origin, or homelessness to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

SOURCE: MASC

LEGAL REFS: Title IX of the Education Amendments of 1972
 45 CFR, Part 86, (Federal Register, 6/4/75)
 M.G.L. 76:5: 76:16 (Chapter 622 of the Acts of 1971)
 BESE 603 CMR 26:00

First Reading, November 19, 2012
 Approved December 3, 2012
 Updated June 11, 2015
 Updated January 6, 2016
 Updated July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL COMMITTEE MEMBERS

School Committee members have authority only when acting as a body in an official meeting.

The Committee shall not be bound in any way by any statement or action on the part of any individual Committee member or employee of the School Department except when such statement or action is in pursuance of special instructions of the Committee.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
Revised, First Reading November 25, 1996
Approved December 9, 1996
Reviewed March 28, 2011
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

NUMBER OF SCHOOL COMMITTEE MEMBERS

The North Reading School Committee consists of five (5) members elected pursuant to law.

Legal Reference: Massachusetts General Laws, Chapter 41, Section 1

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
First Reading December 18, 1989
Approved January 8, 1990
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE

In order to serve on the School Committee, an individual must be a registered voter in the town from which he/she is elected or appointed and must take an oath of office as required by law.

Each new member will present to the Committee secretary official certification of having sworn the oath before an officer duly qualified to administer oaths prior to entering on his/her official duties as a member of the Committee.

From the Municipal or District Clerk, newly qualified Committee members, by law, receive, and sign a receipt for, a copy of the Massachusetts open meeting law governing the conduct of Committee meetings in general and executive sessions in particular.

Newly qualified Committee members shall, by law, receive and sign a receipt for, within 30 days of taking office, a copy of the Massachusetts Ethics Commission's Summary of the Conflict of Interest laws. As municipal employees, all School Committee members shall receive a copy of said summary annually. All School Committee members shall, within 30 days of taking office, and every 2 years thereafter, complete the Massachusetts Ethics Commission's online training program. Upon completion of the online training program, members shall provide notice of such completion to be retained for 6 years by the Municipal or District Clerk.

Membership on a School Committee is not limited to race, color, sex, religion, national origin, gender identity or sexual orientation.

SOURCE: MASC July 2016

LEGAL REFS: M.G.L.30A:20; 41:1; 41:107; 76:5; 268A:27-28

First Reading February 28, 1972

Approved June 5, 1972

Reviewed March, 1983

Reviewed September, 1995

Reviewed March 28, 2011

Revised, First Reading October 16, 2017

Approved November 13, 2017

Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

TERMS OF OFFICE OF SCHOOL COMMITTEE MEMBERS

Members of the School Committee are elected for three (3) year terms. Two members' terms expire each year for two years and the fifth member's term expires the third year.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

METHOD OF ELECTION OF SCHOOL COMMITTEE MEMBERS

School Committee members are elected by direct vote of the people in the annual town election. The regular election for all town offices shall be by official ballot held on the first Tuesday after the first Monday in May of each year. Upon election, each member must be sworn to the faithful performance of his official duties by the Town Clerk before assuming these duties.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed and Revised March, 1983
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

UNEXPIRED SCHOOL COMMITTEE TERM FULFILLMENT

If there is a vacancy in any elected board consisting of two or more members, the remaining members shall give written notice thereof to the Select Board who with the remaining member or members of such board shall after one week's notice fill such a vacancy by ballot. A majority of the ballots of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is qualified.

Legal Reference: Chapter 41, Section 11, General Laws

First Reading February 28, 1972

Approved June 5, 1972

Reviewed and Revised March, 1983

Reviewed September, 1995

Reviewed March 28, 2011

Updated July 17, 2018

SCHOOL DISTRICT ORGANIZATION

RESIGNATION OF SCHOOL COMMITTEE MEMBER

A School Committee member who wishes to resign will express his intention in writing to the Chairman of the School Committee and the Select Board.

The vacancy will be filled in accordance with Chapter 41, Section 11, of the General Laws.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
Reviewed September, 1995
Reviewed March 28, 2011
Updated July 17, 2018

SCHOOL DISTRICT ORGANIZATION

REMOVAL FROM OFFICE OF SCHOOL COMMITTEE MEMBER

Any elective officer of the town may be recalled and removed from public office by the voters of the town as herein provided and pursuant to Chapter 6, Section 3, of the Charter of the Town of North Reading.

Chapter 6, Section 3, Charter of the Town of North Reading

First Reading February 28, 1972

Approved June 27, 1972

Reviewed March, 1983

Reviewed September, 1995

Reviewed March 28, 2011

Revised, First Reading August 27, 2018

Approved September 10, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL SUPERINTENDENT LEGAL STATUS

The School Committee of a town not in a superintendency union or district shall employ a superintendent of schools and fix his/her compensation. A superintendent employed under Chapter 71, Section 59 of the General Laws shall be the executive officer of committee, and under its general direction, shall have the care and supervision of the public schools, shall assist it in keeping its records and accounts and in making such reports as are required by law, and shall recommend to the Committee teachers, textbooks and courses of study.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
Reviewed March 28, 2011
Reviewed July 27, 2017
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL DISTRICT ORGANIZATION PLAN

The instructional program shall consist of three levels. Effective September 1, 1991, the elementary school level shall include grades kindergarten through grade five, the middle school level shall include grades six, seven and eight. The senior high school level shall include grades nine, ten, eleven and twelve.

First Reading June 5, 1972
Approved June 27, 1972
Revised May 22, 1977
Reviewed and Approved May 22, 1978
Reviewed March, 1983
First Reading December 18, 1989
Approved January 8, 1990
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed December 7, 2017
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL DISTRICT ATTENDANCE AREAS

The School Committee shall establish the attendance areas for each of its schools and may, from time to time, redistrict the attendance areas in order to maintain an equitable enrollment balance.

First Reading February 28, 1972
Approved June 5, 1972
Reviewed March, 1983
Reviewed September, 1995
Reviewed March 28, 2011
Reviewed February 9, 2018
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL CENSUS

In accordance with Chapter 51, Section 4 of the General Laws as amended by Chapter 367 of the Acts of 1977, the Town Clerk shall annually in January or February communicate with the residence of every building in town and ascertain as nearly as possible the name, age or date of birth, occupation, nationality and residence on January first in the preceding year and in the current year of every person three years of age or older residing in town. A list of all persons three through twenty- one years of age shall be transmitted by the town Clerk to the School Committee not later than April first in each year.

That proportion of any expenses incurred by the Town Clerk under this Act, equal to the portion that the number of persons under seventeen years of age bears to the total number of persons listed, shall be carried as an item in the School Committee budget.

Reviewed and Approved May 22, 1978

Reviewed March, 1983

Reviewed March 28, 2011

Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

TIME AND LEARNING

The School Committee supports the relationship between student learning and instructional time. Time is an essential resource for student learning and time in school must be devoted to teaching and learning the knowledge and skills that students need to succeed in school and to further their education for meaningful employment and citizenship. Accordingly, the Committee will establish a yearly school calendar and school day which will ensure appropriate structured learning as determined by the Massachusetts Common Core of Learning and Curriculum Frameworks and North Reading's curriculum.

Legal Reference: 603 CMR.27

First Reading June 5, 1972
 Approved June 27, 1972
 Revised May 22, 1977
 Reviewed and Approved May 22, 1978
 Reviewed March, 1983
 First Reading December 18, 1989
 Approved January 8, 1990
 First Reading November 17, 1997
 Approved December 8, 1997
 Reviewed March 28, 2011
 Reviewed December 7, 2017
 Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL CALENDAR

Each year, the Committee shall establish an annual school calendar which schedules a minimum of 185 days for students. The annual school calendar shall contain a minimum of 180 instructional days during which pupils and teachers shall be present and engaged in structured learning activities. In addition to the total number of instructional days, the annual school calendar will schedule an additional five (5) days for emergency school closings, as well as at least one day for teacher orientation and professional development. The Committee will make every effort to develop an annual school calendar which extends beyond the minimum number of 180 instructional days and instructional hours. The annual school calendar will be developed in such a way as to provide structured learning for a minimum of 900 hours for elementary (grades 1-5) and middle school (grades 6-8) students, 425 hours for kindergarten students, and 990 hours for high school students (grades 9-12)

Legal Reference: 603 CMR.27

First Reading June 5, 1972
Approved June 27, 1972
Revised May 22, 1977
Reviewed and Approved May 22, 1978
Reviewed March, 1983
Reviewed and Approved as Amended February 24, 1992
Revised November 17, 1997
First Reading December 8, 1997
Approved December 15, 1997
Reviewed March 28, 2011
Reviewed December 7, 2017
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

HOLIDAYS

The North Reading Public Schools shall be closed on any day declared a legal holiday observed in Massachusetts:

New Year's Day
Martin Luther King, Jr. Day
Washington's Birthday
Patriots' Day
Memorial Day
Juneteenth Independence Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Christmas Day

Schools may be closed on other days at the discretion of the School Committee provided that the Department of Elementary and Secondary Education regulations governing the length of school year are observed.

First Reading April 6, 1987
Approved April 27, 1987
First Reading November 12, 1991
Approved November 25, 1991
Reviewed March 28, 2011
Updated July 17, 2018
Revised, First Reading March 22, 2021
Approved April 15, 2021

SCHOOL DISTRICT ORGANIZATION

EXTENDED SCHOOL YEAR

The North Reading School Committee maintains a 180-day school year (or its legal equivalent in hours per year) normally commencing on or about September 1 and ending on or about June 30. Extended year programs, i.e., programs which would keep the schools open on a full time basis during the summer months, are not authorized by the Committee at this time.

Reviewed and Approved May 22, 1978
Reviewed March, 1983
Reviewed March 28, 2011
Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SUMMER SESSIONS

Summer sessions may be authorized by the Committee for the purpose of providing remedial and/or enrichment courses or activities.

Reviewed and Approved May 22, 1978

Reviewed March, 1983

Reviewed September, 1995

Reviewed March 28, 2011

Reviewed July 17, 2018

SCHOOL DISTRICT ORGANIZATION

SCHOOL DAY

The School Committee shall cause school to be in session in accordance with the following school day regulations provided by the Department of Elementary and Secondary Education:

1. A school day to be counted must involve the physical presence of students for the required number of hours.
2. The elementary schools and the middle school shall operate not fewer than 5 hours daily, (exclusive of lunch periods and recess periods), and not fewer than 900 hours during the school year (425 hours/kindergarten)
3. The high school shall operate not fewer than 5 1/2 hours daily (exclusive of lunch or other recesses), and not fewer than 990 hours during the school year.
4. The early dismissal of students may be permitted to allow time for professional development, staff meetings, parent conferences and other activities. In all instances of early dismissal of students, school will be in session for at least one half of the required instructional hours of a full day.

Legal Reference: 603 CMR.27

First Reading June 5, 1972

Approved June 27, 1972

Revised May 22, 1977

Reviewed and Approved May 22, 1978

Reviewed March, 1983

Reviewed and Approved as Amended February 24, 1992

First Reading December 8, 1997

Approved December 15, 1997

Reviewed March 28, 2011

Reviewed December 7, 2017

Updated July 17, 2018

SCHOOL DISTRICT ORGANIZATION

EMERGENCY CLOSINGS/SCHOOL EVACUATION

The Superintendent is empowered to take appropriate action in the event of hazardous weather, earthquakes, or other emergencies which threaten health and/or safety of students and staff. Dependent upon the specific event or conditions, school may be canceled prior to opening, delayed in opening, dismissed early, or evacuated and or relocated to an alternative site. The administration has the responsibility to see that as much of the administrative, supervisory, and operational activity is continued as may be possible. Therefore, if conditions affect only a single school, only that school will be affected.

In making the decision to close or evacuate, the Superintendent or his designee will consider many factors including the following ones relating to the fundamental safety and health of children and staff:

1. Weather conditions, both existing and predicted
2. Driving, traffic and parking conditions affecting public and private transportation facilities
3. Actual occurrence or imminent possibility of any emergency condition which would make the operation of schools difficult or dangerous
4. Inability of teaching personnel to report for duty

Students, parents, and staff will be informed early in each school year of the procedures which will be used to notify them in case of emergency closing and/or evacuation. When schools are closed for emergency reasons, staff members will comply with Committee policy in reporting for work.

First Reading, March 26, 1984

Approved May 21, 1984

Reviewed September, 1995

First Reading March 25, 2002

Approved April 22, 2002

Reviewed March 28, 2011

Revised, First Reading February 11, 2019

Approved March 18, 2019

SCHOOL DISTRICT ORGANIZATION

REGULATIONS CONCERNING DELAYED OPENING

1. The delay will be for ninety (90) minutes.
2. Morning pre-kindergarten and kindergarten classes will be cancelled.
3. Notification will be made by the Superintendent or his/her designee.
4. Persons responsible for calling TV and radio stations will state that the delay will be for ninety (90) minutes and that there will be no morning kindergarten classes.

May 23, 1994
Reviewed September, 1995
Reviewed March, 2002
Reviewed March 28, 2011
Updated July 17, 2018