

### **Nondiscrimination**

Public Schools have a responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The Saugus Public Schools will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitution, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work towards a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of our society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of non-discrimination will extend to students, staff, the general public and individuals with whom it does business; No persons shall be excluded from or discriminated against in admission to the Saugus Public Schools on account of race, color, sex, gender identity, religion, national origin sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be filed with the Title IX compliance officer.

SOURCE: MASC

LEGAL REFS: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity act of 1972  
Executive Order 11246 as amended by EO 11375  
Equal Pay Act as amended by the Education Amendments of 1972  
Title IX, Education Amendments of 1972  
Rehabilitation Act of 1973

Education for All Handicapped Children act of 1975  
MGL 71B:1 et seq. (Chapter 766of the acts of 1972)  
MGL 76:5 Amended 2011  
MGL76:16  
BESE regulations 603 CMR 26.00 Amended 2012 BESE regulations 603  
CMR 28.00

CROSS REFS: ACA-ACE Subcategories for Non-discrimination  
GBA, Equal Employment Opportunity  
JB Equal Educational Opportunity

This policy is in effect on school grounds, School District property within the jurisdiction of the school district, school busses or attending or engaging in school activities. The school system has designated school officials as coordinators to publicize anti-discrimination requirements and handle all complaints.

*The coordinator/grievance officer is:*

Ms. Heather Geary, Executive Director of Pupil Personnel Services  
Saugus Public Schools  
23 Main Street  
Saugus, Massachusetts 01906  
(781) 231-5000

### **Harassment Policy**

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

#### Definition of Harassment

Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble persons when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational or of a persons participation in school programs or activities.

- Submission or rejection of such conduct by a person is used as the basis for decisions affecting the person or;
- Such conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating or hostile learning or work environment.

Harassment as described above may include, but is not limited to:

- Verbal, physical, or written (including: texting, blogging, or other technological methods) harassment or abuse.
- Repeated remarks of a demeaning nature.
- Implied or explicit threats concerning one's grades, achievement, or other school matter.
- Demeaning jokes, stories or activities directed at the person

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

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

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

#### Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Saugus Public Schools.

Persons who engage in harassment or retaliation may be subject to disciplinary action, including,

but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

### Investigation

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

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

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

The state agency responsible for enforcing laws prohibiting harassment is the Massachusetts Commission Against Discrimination ["MCAD"], which is located at One Ashburton Place, Boston, Massachusetts. The agency responsible for enforcing federal laws prohibiting harassment in the employment context is the Equal Employment Opportunity Commission, which is located at One Congress Street, Boston, Massachusetts.

### Where To File A Complaint

Any student who believes that the Saugus Public Schools has discriminated against or harassed her/him because of her/his race, color, religion, national origin, sex, sexual orientation, gender identity or disability, in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Building Principal and/or the Executive Director of Pupil Personnel Services. These individuals are hereinafter referred to as "Grievance Administrators".

Ms. Heather Geary, Executive Director of Pupil Personnel Services  
Saugus Public Schools  
23 Main Street,  
Saugus, MA. 01906  
(978) 374-3411

## Complaints Of Discrimination Based Upon Disability

A person who alleges discrimination on the basis of disability relative to the identification, evaluation, or educational placement of a person, who because of a handicap needs or is believed to need special instruction or related services, pursuant to Section 504 of the Rehabilitation Act of 1073, Chapter 766, and/or the individuals with Disabilities Education Act, must use the procedure outlined in the Massachusetts Department of Education's Parents' Rights Brochure rather than this grievance procedure.

A copy of the brochure is available from the following individual:

Ms. Heather Geary, Executive Director of Pupil Personnel Services (Special Education)  
Saugus Public Schools  
23 Main Street,  
Saugus, MA. 01906  
(978) 374-3411

A person with a complaint involving discrimination on the basis of a disability other than that described above may either use the grievance procedure or file the complaint with the U.S. Department of Education at the address provided at the end of this grievance procedure.

## Contents of Complaints and Timelines for Filing

Complaints under this grievance procedure must be filed within twenty (20) school days of the alleged discrimination. The complaint must be in writing. The Grievance Administrator or any person that the grievant selects may assist the them with filing the complaint. The written complaint must include the following information:

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

## Investigation and Resolution of the Complaint

Respondents will be informed of the charges as soon as the Grievance Administrators deems

appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

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

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

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

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

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

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

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

### Appeals

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

Richard P. Langlois, Superintendent of Schools  
Saugus Public Schools  
23 Main Street,  
Saugus, MA 01906  
(781) 231-5000

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

Saugus School Committee Policy  
Approved: 1/14/10

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Approved 8/16/2012