

File: ACH-R - PROCEDURES FOR ADDRESSING COMPLAINTS OF DISCRIMINATION OR HARASSMENT BASED UPON PROTECTED CLASSIFICATIONS AND RELATED RETALIATION

I. WHERE TO FILE A COMPLAINT

Any student, employee or other individual in the school environment who believes that ~~he/she~~ (1) ~~has~~ **they (1) have** been subject to discrimination or harassment in the Arlington Public Schools because of ~~his or her~~ **their** race, color, national origin, sex, gender identity, sexual orientation, disability, age, or religion or (2) retaliation for reporting or cooperating in an investigation of such alleged conduct may file a complaint with the building principal. If the individual is not assigned to a particular school or if the individual does not wish to discuss the issue with the building principal or the building Principal does not address the problem in an effective manner, the employee should notify an identified administrator, as published annually on the District's website. Any allegation of harassment by the Superintendent should be reported to the Chair of the School Committee. The Principal, the identified administrator, the School Committee Chair or their designees (all of whom are hereinafter referred to as the "Investigator") will be responsible for addressing the complaint in accordance with the procedures outlined below.

Process For Certain Complaints Based Upon Disability: A person who alleges discrimination on the basis of disability relative to the identification, evaluation, or educational services or placement of a student pursuant to MGL c. [71B](#) or the Individuals with Disabilities Education Act must use the procedure outlined in the Parents' Notice of Procedural Safeguards published by the Massachusetts Department of Elementary and Secondary Education, rather than this Complaint Procedure. A copy of these Safeguards is available from the Superintendent or designee, as published annually in the District's website. A person with a complaint involving discrimination on the basis of a disability other than that described in this paragraph may use this Complaint Procedure.

II. CONTENT OF COMPLAINT

The Arlington Public Schools encourages individuals who experience conduct that is of concern to them based upon a protected classification to immediately report the matter, so that it can be addressed effectively and promptly. The District also asks that the individual ("Complainant") provide a written statement of the complaint. If the Complainant chooses not to submit a written statement, the Investigator will record the allegations and read them to the Complainant to confirm accuracy. The complaint should include the following information:

1. The name and school (or address and telephone number if not a student or employee) of the Complainant.
2. The name and address and telephone number of the Complainant's representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment ("Respondent").

4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s) of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witnesses), as can be reasonably determined.
7. A description, in as much detail as possible, of steps the complaint believes would resolve the complaint.

III. INVESTIGATION

Prior to Investigation: Even prior to completing a full investigation, if necessary, the Investigator will take immediate steps to provide for or restore an appropriate educational and/or work environment for those who may be impacted. Consideration will also be given to obligations to report instances of suspected child abuse to the Massachusetts Department of Social Services pursuant to M.G.L. c. [119, 51A](#) or whether a report to the police may be appropriate.

Informing the Respondent: Respondents will be informed of the complaint against them as soon as the Investigator deems appropriate based upon the nature of the allegations, the investigation required, the action contemplated, and any applicable collective bargaining agreements.

Interviews and Gathering Information: The Investigator will interview witnesses whom ~~she or he deems~~ **they deem** necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. Confidentiality of those involved in the complaint or investigation will be maintained, to the extent consistent with the Arlington Public Schools' obligations to investigate complaints and the due process rights of individuals affected. Where appropriate, the Investigator will remind individuals that retaliation against someone who files a complaint or who may have information about it is strictly prohibited and could result in discipline.

Determination. The Investigator will weigh all of the evidence objectively to determine whether the alleged event occurred, using a "preponderance of the evidence" standard. If the events have been established, the Investigator will also determine whether they meet the definition of harassment. However, nothing in this policy is intended to restrict the district's authority to impose discipline or take other corrective action, even absent a finding of harassment.

IV. RESOLUTION OF THE COMPLAINT

If harassment is substantiated, the district will take steps reasonably calculated to prevent recurrence and to correct its effect. This may include not only discipline for the Respondent, subject to applicable procedural requirements, but also implementation of targeted or school-wide programs to increase appreciation of diversity and steps to support those impacted by the harassment.

In most instances, the Investigator will meet with the Complainant to review the information gathered and, if applicable, to discuss plans for preventing recurrence of discrimination or harassment and correcting its effect. However, any such communication is subject to the requirements of confidentiality. For example, school officials are generally prohibited from

informing the Complainant of specific disciplinary action taken against another individual—unless it involves a "stay-away" or other directive that the Complainant should be aware of in order to report violations.

The Investigator will file a report with the Coordinator for Title IX/Section 504/Chapter 622 or other appropriate administrator containing the name of the Complainant, the date of the complaint, investigator, school, a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.

Following the closure of the complaint, the Investigator or other personnel or designee will contact the Complainant within a reasonable time period to determine whether there has been any recurrence of harassment, if appropriate.

V. TIME LINES AND FOLLOW-UP

Investigators will endeavor to complete interviews and other investigatory steps within 10 school days of receiving the complaint and to communicate with the Complainant and/or representative within (10) school days thereafter, with written disposition made within ten days following that communication.

These time lines will be implemented 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.

VI. APPEALS

If the Complainant not satisfied with a disposition by the Investigator, the Complainant or representative may appeal the disposition to the Superintendent or designee, who can be reached as follows: [Superintendent, Arlington Public Schools, ~~869 Massachusetts Avenue~~ **14 Mill Brook Drive**, Arlington, MA 02476, Phone: (781) 316-3502] The Superintendent will issue a written response on the appeal to the Complainant within ten (10) school days of receiving the appeal.

Appeals regarding the disposition of allegations of harassment by the Superintendent may be appealed to the School Committee.

LEGAL REFS.: Title VI, 42 U.S.C. Sec. 2000 et seq. (prohibition of discrimination based on race, color, or national origin)

Title IX, 20 U.S.C. Sec. 168 et seq. (prohibition of discrimination based on sex or gender)

Title II of the Americans with Disabilities Act, 42 U.S.C. Sec. 12134 (prohibition of discrimination based on disability)

M.G.L. [71: 37H](#) (student handbooks required to state disciplinary measures applicable to "violations of other students' civil rights")

M.G.L. [76:5](#) (prohibition of discrimination "on account of race, color, sex, gender identity, religion, national origin or sexual orientation", in access to "advantages, privileges and courses of study")

M.G.L. [151C](#) (Fair Education Practices Act, includes prohibition of sexual harassment)

M.G.L. [151B](#) (Fair Employment Practices Act, includes prohibition of sexual harassment)

(Contact information above last updated in March of 2014)