

Attleboro Public Schools  
Nondiscrimination/Anti-Harassment Procedures

INVESTIGATION PROCESS:

Any employee, student or third party who believes that he or she has experienced harassment, violence or discrimination on the basis of his or her actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, disability, sexual orientation, gender identity, age, family care leave status or military status or who has witnessed or learns about the harassment of, violence or discrimination against another person in the school environment, should inform the principal of the relevant school site or appropriate discrimination/harassment complaint official immediately or as soon as possible.

An individual may report to either the principal of the relevant school site or appropriate discrimination/harassment complaint official at his or her discretion.

The discrimination/harassment complaint officials for the Attleboro Public Schools are:

Section 504/ Americans with Disabilities Act (ADA)/Title IX/Title VI/Boy Scouts of

America (for student complaints):

Laurie Regan, Assistant Superintendent  
Attleboro Public Schools  
100 Rathbun Willard Drive, Attleboro, Massachusetts 02703-  
2799 (508) 222-0012, ext. 1640  
Email: lregan@attleboroschools.com

Titles VI, VII, IX, ADA, Section 504 (for employee or third-party complaints), Chapter 622, AND Age Discrimination:

Appeals Officer, Julienne Singer  
Attleboro Public Schools  
100 Rathbun Willard Drive, Attleboro, Massachusetts 02703-  
2799 (508) 222-0012, ext. 1367  
Email: jsinger@attleboroschools.com

At each of the nine schools, the building based principal will serve as the grievance officer.

This procedure is intended to provide reliable and impartial investigations of all complaints and applies to all complaints filed by employees, students or third parties as well as to reports and incidents of harassment or discrimination of which the District knows or should know about. If one of the discrimination/harassment complaint officials or grievance officers is the person alleged to be engaged in discrimination/harassment, the complaint may be filed with one of alternate officials or any other school employee the student or employee chooses.

Any District employee who observes or otherwise learns or becomes aware of an act or possible act of harassment, violence or discrimination toward a student, another employee or third party shall intervene to attempt to stop the act and shall report it to the appropriate person immediately, or as soon as possible. The District will follow these procedures in responding to report.

The complaint (verbal or written) should be reported immediately, or as soon after the incident as possible; delays between the date of the alleged incident and the reporting date may make investigations more difficult.

Although Attleboro Public Schools encourages a written complaint, use of a formal reporting requirement is not required. Oral reports will be considered complaints as well.

Attleboro Public Schools will promptly (within 48 hours) determine whether the alleged victim wants to utilize formal or informal procedures and if the alleged victim chooses formal procedures, begin to investigate every complaint of harassment, discrimination or violence. If it is determined that harassment, discrimination, or violence has occurred, the grievance officer or discrimination/complaint official will take appropriate action to end the harassment, discrimination or

violence and to ensure that it is not repeated.

Confidentiality of the complaint and investigation will be maintained to the extent consistent with the school's obligations under law and under applicable collective bargaining agreements. The grievance officer or discrimination/complaint official will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

Complaints between the alleged victim and the alleged perpetrator may be handled two ways: through an Informal or a Formal Procedure.

- A. A student who has a complaint against another student may choose to use the Informal Procedure.
- B. An employee who has a complaint against another employee may choose to use the Informal Procedure.
- C. The informal process is entirely voluntary and the complainants can opt out at any time and trigger the formal complaint process.
- D. If the informal process is selected a trained faculty member will serve as a neutral facilitator between the parties and will protect both parties' interest.
- E. A student who has a complaint against an employee shall be handled only through the Formal Procedure.
- F. Complaints of sexual assault will not be resolved through the informal process.

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

If a student or an employee who is the alleged victim or the alleged perpetrator chooses not to utilize the Informal Procedure, or feels that the Informal Procedure is inadequate or has been unsuccessful, he/she may proceed to the Formal Procedure.

## **PROCEDURES FOR FILING A**

### **COMPLAINT INFORMAL**

*(May be chosen in complaints between students and in complaints between employees)*

It may be possible to resolve a complaint through voluntary conversations between the alleged victim and the alleged perpetrator, which is facilitated by a trained school employee, the grievance officer or by a designated discrimination/harassment complaint official. If, the alleged victim or alleged perpetrator is a student under the age of eighteen (18), the facilitator will notify the student's parent(s)/guardian(s) if, after initial consultation with the student, it is determined to be in the best interest of the student. If, the alleged victim and the alleged perpetrator feel that a resolution has been achieved, then the conversation remains confidential and no further action needs to be taken. The voluntary conversation must occur within five (5) workdays after receiving the complaint of discrimination, harassment or violence. The results of an informal resolution shall be reported by the facilitator, in writing, to either the school principal if the complaint has been resolved through a staff member or to the Superintendent if the complaint has been resolved through the school principal. The informal process is entirely voluntary and the complainants can opt out anytime and trigger a formal complaint process.

### **FORMAL**

*(Must be chosen for complaints between students and employees and complaints of sexual assault)*

#### **Step 1**

The grievance officer or the discrimination/harassment complaint official shall within forty-eight (48) hours of receiving the complaint or the termination of an unsuccessful informal resolution process, meet with the alleged victim (or complainant, if not the alleged victim) by telephone or in person. The grievance officer or the discrimination/harassment complaint official will complete a discrimination/harassment complaint form based on the written or verbal allegations of the alleged victim within forty-eight (48) hours of the meeting and ask the alleged victim to sign it. The complaint form shall be filed with the Assistant Superintendent who serves as the Title VI, VII, IX, Chapter 622, Section 504/ADA AND Age Discrimination Appeals Officer and kept in a centralized and secure location.

- A. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior. If a student under eighteen (18) years of age is involved, his/her parent(s) and or guardian (s) shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interests of the student.

## Step 2

A prompt investigation shall be completed by the grievance officer or the discrimination/harassment complaint official within fourteen (14) work days from the date of the complaint or report, unless impracticable.

The investigation may, as appropriate, consist of personal interviews with the alleged victim, the reporter (if different than the alleged victim), the individual(s) against whom the complaint is filed, and any other individuals who may have knowledge of the alleged incidents(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the grievance officer or the discrimination/harassment complaint official.

The alleged victim and the individual(s) against whom the complaint is filed have the opportunity to present witnesses and information to the grievance officer or the discrimination/harassment complaint official that they deem relevant. Refusal by the alleged victim to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

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

The grievance officer or the discrimination/harassment complaint official shall document his or her findings within five (5) school days of completing the investigation, unless impracticable. The timeline may be extended by the grievance officer or the discrimination/harassment complaint official due to extenuating circumstances. If the timeline is extended, the grievance officer or the discrimination/harassment complaint official will inform the parties in writing of the extension and the reason for the extension.

The report shall include:

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

The report shall include a determination as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy, using a preponderance of the evidence standard. A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The officer or the discrimination/harassment complaint official shall further recommend what action, if any, is required.

Formal disciplinary actions shall be imposed in the event that the preponderance of the evidence indicates that the alleged conduct occurred. The seriousness of the offense including the nature and degree of harm caused shall be considered when deciding the appropriate disciplinary action.

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions including suspension or job termination.
- If the person alleged to have violated this policy is a student, possible discipline includes reprimand, educational classes, counseling, class transfer, detention, suspension or expulsion, consistent with the Student Code of Conduct, as outlined in the APS student handbook.

The grievance officer or the discrimination/harassment complaint official may take other disciplinary action against students and staff as necessary and appropriate.

Action taken for violation of this policy shall be consistent with state and federal law, including but not limited to the due process protection for students with disabilities. Due process will be followed in accordance with Attleboro School District policy and any applicable collective bargaining agreement.

The grievance officer or the discrimination/harassment complaint official will, if appropriate, take action to remedy the harm to the subject of the alleged harassment, to assist students who have engaged in harassment and others. Possible remedial action includes, but is not limited to:

- Interventions for the alleged victim, such as counseling, academic support, health services, assigning an escort to allow the student to move safely between classes, and instruction on how to report other incidents of harassment or retaliation.
- Training or other interventions for the larger school community to ensure that students, staff and parents understand the types of behavior that constitute harassment, discrimination or violence that the District does not tolerate it, and how to report it.
- Interventions for the individual who engaged in the conduct, such as parent notification, counseling, guidance, education about the impact of the conduct, positive behavior support, referral to a student success team, transfer to alternative programs, denial of participation in extracurricular or co-curricular activities or other privileges, and discipline.

### **Step 3**

The grievance officer or the discrimination/harassment complaint official and/or Superintendent shall maintain the written report of the investigation, findings and disposition.

The district will contact the alleged victim within fourteen (14) work days following the conclusion of the investigation to assess whether there has been on-going harassment or retaliation and to determine whether additional supportive measures are needed.

### **INTERIM MEASURES**

Attleboro Public Schools shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. The district will take interim measures to prevent retaliation against the reporting student and minimize the burden of such measures on complainants.

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

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

In the case of alleged sexual assault, the grievance officer or the discrimination/harassment complaint official will take additional steps as necessary to ensure the alleged victim is safe. This may include, for example, referring the student to a rape crisis center, creating a safety plan and designating an individual at the site level to act as a support person during the

investigation. If the circumstances suggest a threat to others, the grievance officer or the discrimination/harassment complaint official will ensure that the District informs relevant members of the school community. This may include, for example, notifying parents and employees, if a student is sexually assaulted on the way home from school, or notifying employees of areas where harassment frequently occurs.

### **APPEALS**

A party may appeal the decision of the grievance officer or the discrimination/harassment complaint official in writing to the Superintendent within fifteen (15) work days of receipt of the findings of the formal procedure. The Superintendent, as an impartial decision-maker will review in an impartial manner the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings.

### **REFERRAL TO LAW ENFORCEMENT, OTHER AGENCIES**

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

The grievance officer or the discrimination/harassment complaint official will follow this procedure regardless of whether the alleged conduct is also being investigated by another agency, unless the fact-finding process would impede a law enforcement investigation. In such cases, the grievance officer or the discrimination/harassment complaint official will determine whether interim measures to protect the well-being of the complainant and the school community and prevent retaliation are needed while the law enforcement agency's fact-gathering is in progress. Once notified that law enforcement has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the grievance officer or the discrimination/harassment complaint official will promptly resume and complete its investigation.

Additionally, several behaviors listed as sexual harassment may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any persons involving sexual molestation or exploitation of a child, including, but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also be possible physical and/or sexual abuse under Massachusetts law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Department of Children and Families within 24 hours of the time the educator becomes aware of the suspected abuse. All school personnel are identified as being mandatory reporters.

### **CONFIDENTIALITY**

Attleboro Public Schools recognizes that both the alleged victim and the alleged perpetrator have strong interests in maintaining the confidentiality of the allegations and related information.

The privacy of the alleged victim, and individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

The grievance officer or discrimination/complaint official will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

### **CONFLICT OF INTEREST**

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

### **RETALIATION**

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The grievance officer or the discrimination/harassment complaint official will inform all involved individuals that retaliation is prohibited, and

that anyone who feels they have experienced harassment, coercion, intimidation, or discrimination for filing a complaint or participating in the resolution process should inform the grievance officer or the discrimination/harassment complaint official. The District will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

**RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the agencies identified below, or initiating an action in state or federal court.

Massachusetts Department of Elementary and Secondary Education  
Program Quality Assurance Services

75 Pleasant Street, Malden, MA 02148-4906

Phone: (781) 338-3700

FAX: (781) 338-3710

Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

U.S. Department of Education Office for Civil Rights  
5 Post Office Square

8<sup>th</sup> Floor

Boston, MA 02109-3921

Phone : (617) 289-0111

FAX : (617)289-0150

Email : [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

U.S. Equal Employment Opportunity Commission  
John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Phone: (800) 669-4000

FAX: (617) 565-3196

Massachusetts Commission Against Discrimination

One Ashburton Place

Sixth Floor, Room 601

Boston, MA 02108

Phone: (617) 994-6000