

**Dracut Public Schools  
Discrimination and Harassment Policy and Grievance Procedures**

The Dracut Public Schools (“District”) is committed to maintaining a school environment free of harassment based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability. Harassment by administrators, teachers, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. The Dracut 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.

Definitions

For the purposes of this procedure:

- A. A “Complaint” is defined as an allegation that a student or employee has been discriminated against or harassed on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, disability, or religion.
- B. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion that is excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the school.
- C. “Harassment” means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion that is sufficiently severe, persistent or pervasive to create 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.
- D. “Sexual Harassment” means unwelcome, sexually offensive or gender-based conduct which is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Additionally, under M.G.L. c. 151C, § 1, the term “sexual harassment” may also include, but is not limited to, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:— (i) 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 (ii) 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.

When determining whether an environment is hostile, the school district examines the context, nature, frequency, and location of the sexual or gender-based incidents, as well as the identity, number and relationships of the persons involved. The school 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 alleged victim, and under similar circumstances.

### 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 Dracut 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.

### How to make a complaint

- A. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal. If the school principal receives the report, he or she will notify the Civil Rights Coordinator of the Complaint. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.
- B. District staff is expected to report possible incidents of discrimination or harassment of students and fellow employees immediately to the school principal. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students or employees which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school but possibly create a hostile environment for a student or employee while he/she is at school.

- C. Students and employees will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

### Complaint Handling and Investigation

- A. The school principal shall promptly inform the relevant Civil Rights Coordinator and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution of the Complaint with the agreement of the parties involved. Informal resolution is optional, and the Complainant may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.
- C. Under the formal resolution procedure, the Complaint will be investigated by the school principal or other individual designated by the school principal or Civil Rights Coordinator, where appropriate. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the Complaint.
  - 1. The formal investigation shall be conducted consistent with the following guidelines:
    - a. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.
    - b. The person who is the subject of the Complaint 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.
    - c. The privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
    - d. The investigator will keep a written record of the investigation process.
    - e. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
  - 2. The investigator shall determine whether or not the evidence was sufficient, based on a preponderance of the evidence, to establish that the alleged victim has been subjected to harassment as defined above.

3. The investigator shall provide written notice of the outcome of the investigation to both the Complainant and in the individual who is the subject of the complaint whether or not the complaint allegation is substantiated.
  - a. The investigation and the notification of the outcome to the complainant and the subject of the complaint shall be completed within fifteen (15) school days of the date of the receipt of the Complaint.
  - b. The investigator may extend the investigation period beyond fifteen (15) school days because of 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 the investigator extends the investigation, he or she will notify the Complainant of the extension.
  - c. If a complaint or report of discrimination or harassment is received after June 1 of a given 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 of the extension and make reasonable efforts to interview the witnesses during the summer vacation period.
  - d. Nothing in this procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the fifteen (15) school days described above.
  
- D. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, which may include but is not limited to:
  1. Considering whether a disciplinary referral is appropriate as to the person(s) who engaged in discrimination or harassment, if any;
  2. Determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and
  
- E. If the Complainant or the student's parents/legal guardians are dissatisfied with the results of the investigation, an appeal may be made to the Civil Rights Coordinator

within ten (10) school days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The Civil Rights Coordinator shall review the investigation and may conduct further investigation if deemed appropriate. Within five (5) school days of receipt of any such appeal, the Civil Rights Coordinator shall decide whether or not to reopen the investigation, uphold the principal or designee's determination, or reverse the principal or designee's determination. The Civil Rights Coordinator shall provide written notification of that determination to both the Complainant and the accused. The Civil Rights Coordinator's decision shall be final, subject to further appeal to the Superintendent.

- F. If the employee or the student's parents or legal guardians are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent within seven (7) calendar days after receiving notice of the Civil Rights Coordinator's decision. The Superintendent will consider the appeal and respond to the appeal within ten (10) school days of receipt of the appeal. The Superintendent's decision shall be final.

The District's Civil Rights Coordinators are:

Daniel O'Brien, Vice Principal, Lakeview Junior High School  
1570 Lakeview Avenue  
Dracut, MA 01826  
978-957-3330

or

Christina Battistelli, Vice Principal, Englesby Intermediate School  
1580 Lakeview Avenue  
Dracut, MA 01826  
978-957-9478

Students and employees are encouraged to utilize the District's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to:

The United States Department of Education  
Office for Civil Rights  
5 Post Office Square, 8<sup>th</sup> Floor Boston,  
Massachusetts 02110-1491  
Telephone: (617) 289-0111  
Fax: 617-289-0150  
TDD: 877-521-2172

or

Program Quality Assurance Services  
Massachusetts Department of Elementary and Secondary Education 75  
Pleasant Street, Malden, MA 02148-4906  
Telephone: 781-338-3700 TTY:  
N.E.T. Relay: 1-800-439-2370  
FAX: 781-338-3710

**Adopted By School Committee: October 28, 2013**