

In addition, perpetrators of hate crimes which rise to the level of criminal activity may be subject to criminal prosecution under state and federal laws pertaining to such crimes. The police will be notified when a probable hate crime has taken place, and in particular will be notified in an emergency situation.

Retaliation

The School will deal seriously with any and all threats or acts of retaliation against an individual who reports a hate crime or bias incident. School staff will maintain constant contact with victims and persons who report such incidents in order to ensure that no threats or acts of retaliation take place.

Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposing discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.

Any person found to have threatened to retaliate and/or actually retaliated will be subject to severe disciplinary action, including potential exclusion from school. Should the retaliation rise to the level of criminal activity, school staff are required to report it to the local law enforcement agency.

Sexual Harassment Policy

General Statement:

All persons have the right to be free from sexual harassment; therefore, sexual harassment in any form is strictly forbidden in school, on school grounds, or at school related activities. The School does not discriminate on the basis of sex in the School's educational programs or activities, admissions or employment practices. The School has designated the following individual as the School's Title IX Coordinator:

Derek Conway
Director of Operations
160 Joan Street
Springfield, MA 01119
(413) 783-2600

Definition:

Under Massachusetts law, Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when 1) 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 or professional achievement; or (2) 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 or work environment

Under Title IX of the Education Amendments of 1972, 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 as defined in the Cleary Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female. A male, as well as a female, may be the victim of sexual harassment, and a female, as well as a male, may be the harasser. Further, the victim does not have to be of the opposite sex from the harasser. Finally, any adult may be the victim of sexual harassment by a student.

Examples

Examples of sexual harassment may, if meeting the definition set forth above, include, but are not limited to: include but are not limited to: demanding sexual favors **accompanied by threats; engaging in reprisals as a result of an individual's refusing to engage in sexual behavior; contact with any sexual part of another's body (e.g., touching, patting or pinching);** touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has indicated that such touching is unwanted; displaying sexually suggestive pictures or objects; calling a person a demeaning, sexualized term.,

Reporting

Any student who believes he/she is a victim of sexual harassment should inform a teacher, counselor, or another adult in a position of authority in the school as soon as possible. Students should avoid trying to solve the problem of sexual harassment alone. School staff will assist the student with the filing of a complaint of sexual harassment in accordance with the School's Sexual Harassment Grievance Procedures.

All persons shall promptly report knowledge of actual or reasonably suspected sexual harassment to the Director or her designee. Supportive interim measures will be discussed with the alleged victim.

Investigation

All formal complaints of sexual harassment meeting the definition of sexual harassment under Title IX of the Education Amendments of 1972 shall be addressed in accordance with the School's Sexual Harassment Grievance Procedures and in accordance with applicable federal and state regulations listed below. A copy of the Sexual Harassment Grievance Procedures shall be made available to students, staff and other interested parties.

Grievance Procedures for Allegations of Sexual Harassment

The SICS 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. 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 Title IX formal complaint grievance procedure is unlawful and will not be tolerated by SICS.

Scope

This Sexual Harassment Grievance Procedure applies only to sexual harassment, which includes harassment based on sex, sexual orientation, and/or gender identity, and is limited to conduct that occurs in any education program or activity of the School located within the U.S., regardless of whether such program or activity is on or off school grounds. An educational program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Schools are required to respond when sexual harassment occurs in the school's education program or activities regardless of whether such programs or activities occur on or off-campus. Conduct does not constitute sexual harassment within the scope of this Procedure where the incident occurs off-campus at a non-school sponsored activity and does not effectively deny a person educational access.

For complaints of discrimination or retaliation based on sex, sexual orientation, and/or gender identity, and for all other complaints of harassment, discrimination, or retaliation, please see SICS *Civil Rights Grievance Procedures*.

Definitions

For the purposes of this procedure, the following definitions apply:

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 educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined in this procedure.

Additionally, under Massachusetts state law, M.G.L. c. 151C, § 1, the term "sexual harassment" means any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) 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
- (2) 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.

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.

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.

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment. 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 Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

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

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.

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.

- 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.

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.

Director: The Director or Director's designee.

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, or deter sexual harassment.

Procedure

- A. Any School employee who observes sexual harassment of a student or receives notice of an allegation of sexual harassment must report the incident to the Principal or Title IX Coordinator. Any School employee who observes sexual harassment of a student should intervene to stop the conduct and report it to the Principal. Upon receipt of a report of sexual harassment, the Principal shall promptly inform the relevant Title IX Coordinator of the report. If the report involves an accusation against the Principal or Title IX Coordinator, the employee shall report the incident to the Director or the Director's designee for such purposes. The School will respond to all reports of sexual harassment promptly and equitably, in a manner consistent with this procedure, beginning with promptly contacting the complainant to discuss the availability of supportive measures and the process for filing a formal complaint.
- B. Confidentiality: The School will keep the identity of the complainants, respondents, and witnesses confidential, except as permitted by the Family Education Rights Privacy Act ("FERPA"), as otherwise required by law, or as necessary to carry out the Title IX grievance process.
- C. Supportive Measures: Supportive measures must be discussed and considered in all cases, irrespective of whether a formal complaint is ever filed.
 - (1) Upon receipt of any report (informal, formal, third-party), the Title IX Coordinator(s) must:
 - a. promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - b. consider the complainant's wishes with respect to supportive measures;
 - c. inform the complainant of the availability of supportive measures with or without filing a formal complaint;
 - d. explain to the complainant the process for filing a formal complaint; and
 - e. if the School does not provide the complainant with supportive measures, the Title IX Coordinator or designee must document the reasons why such a response was reasonable.
 - (2) 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.

- (3) 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.
- (4) Although supportive measures will be discussed and considered upon the School's receipt of any report of sexual harassment, only the submission of a signed formal complaint will initiate the formal complaint grievance procedure, outlined below.

D. Formal Complaint Required for Investigation: In the absence of a formal complaint, signed by either the complainant or the Title IX Coordinator, the School shall have no obligation to conduct an investigation of, or adjudicate, allegations of sexual harassment under this procedure.

E. Formal Complaint Grievance Procedure Guidelines: Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Formal complaint is filed: A formal complaint is a "document filed by a complainant" or signed by the Title IX Coordinator alleging sexual harassment by a respondent and requesting that the school investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission, such as via email or an online portal provided for this purpose by the school, that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

- (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. 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) The complainant's wishes with respect to whether the school investigates 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 consider concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the School'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.

- (6) Consolidation of Formal Complaints: Schools may consolidate formal complaints where the allegations arise out of the same facts.
- (7) Consideration of the use of the Informal Resolution Process with the consent of the parties (see Section H).
- (8) 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. For more information on supportive measures, please see Section C(2) of this procedure.

Step 3: Initial Assessment and Consideration of Whether Dismissal is Warranted:

- (1) Initial Assessment: The Title IX Coordinator or designee will make an initial assessment following receipt of a formal complaint. Based on that assessment: (a) if the conduct, even if substantiated, would not constitute sexual harassment, the Title IX Coordinator must dismiss the complaint; and/or (b) if the alleged conduct could not, even if true, constitute sexual harassment, but is within the scope of another procedure or school rule or policy violation, the Title IX Coordinator may refer the matter to the appropriate personnel.
- (2) Dismissal of Complaints: Schools shall dismiss allegations of conduct that do not meet the definition of sexual harassment. Schools may dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations; if the respondent is no longer enrolled or employed by the school; or if specific circumstances prevent the school from gathering sufficient evidence to make a determination. Schools must give the parties written notice of any dismissal of a formal complaint and the reasons for the dismissal.

Step 4: Written Notice of Allegations: Upon receipt of a formal complaint, the school must 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 school decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the school shall provide notice of the additional allegations to the parties whose identities are known.

Step 5: Initial Investigation: Under the formal resolution procedure, the complaint 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 about 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 procedure:

- (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 School, not on the parties.
- (3) The School shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The School 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 School 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 School may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the School 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 the investigation period beyond the time periods identified above for good cause. If a complaint or report of sexual 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 School 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: Schools 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 School 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 School 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. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The School 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 or the 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 questions to the decision-maker in writing.
 - i. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
 - ii. Only relevant questions will be permitted, and the decision-maker must explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the School, 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 requests for follow-up questions shall be submitted in writing and made within three (3) calendar days.
- (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 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.

- (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, the written determination shall be issued within sixty (60) school days of receipt of the formal complaint.

Remedies: If the decision maker determines that sexual harassment has occurred, the School 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 School's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section C (2) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.

- F. 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 School 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.
- G. Informal Process: Only after a formal complaint is filed may the School 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 procedure.

(3) The informal process shall not exceed thirty (30) calendar days.

- H. Emergency Removal under Title IX: The School may remove a respondent on an emergency basis at any time provided that the School: (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.
- I. Anonymous Reports: The School may be on notice of an allegation of sexual harassment through receipt of an anonymous report. A formal complaint cannot be filed anonymously. In cases of anonymous reports, the School'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 School 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 School will be unable to provide the complainant supportive measures in response to that report. The School 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.
- J. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from a school'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 Director or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Director 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 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 1/2 or 37H 3/4) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Director, North Andover Public Schools 566 Main Street, North Andover, Massachusetts 01845.

The grievance procedure is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Director's decision on a timely filed appeal.

- K. Identification of key personnel involved in Title IX process for complaints of sexual harassment:

Title IX "Sexual Harassment" Staff Roles

1. Title IX Coordinator:

- Derek Conway

Director of Operations

2. Investigator(s): possible individual(s) to serve as the investigators would be the Title IX Coordinator, Student Success Coordinator's or Title IX Coordinator's designee
 - Derek Conway Staff on Staff and Staff on Student
 - Kirsten Drungo Gr. K-1
 - Joe LaPierre Gr. 2-3
 - Ashleigh Hogan Gr. 4-5
 - Robert Cree Gr. 6
 - Jeff Londrville Gr. 7-8
 - Jesus Sanchez Gr. 9-10
 - Lynn Poehler Gr. 11-12

3. Decision-maker: possible individual(s) to serves as the decision-maker would be the Assistant Director or Principal or Principal's designee.
 - Shirley Vazquez, Assistant Director, Staff on Staff and Staff on Student
 - Shirley Vazquez Principal Gr. K-2
 - Rosara Pellicier Principal Gr. 3-5
 - Trina Roberts Principal Gr. 6-8
 - Brendan Dwyer Principal Gr. 9-12
Student on Student and Student on Staff

4. Appeal Officer: possible individual(s) to serve as the appellate review would be the Director or designee. Cannot be anyone previously involved in the process. Could possibly be the Title IX Coordinator if he/she did was not involved in the investigation or decision making.
 - Justin Baker Interim Director
 - Shirley Vazquez Deputy Assistant Director (Back-up #1)

5. Informal Resolution Facilitator: possible individual(s) to serve to facilitate the informal resolution process would be the Director of Guidance or the Director of Student Services. The Title IX Coordinator may serve in this role so long as he/she is free from bias/conflict (i.e., didn't participate in other aspects of the grievance process). If the Title IX Coordinator is serving as the investigator or appeal officer, we do not recommend that he or she serve Informal Resolution Facilitator.
 - Cynthia Miller Director of Special Education

The School will notify students, employees, applicants for admission or employment, parents and legal guardians of student, 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 School's website.

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 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.

Reports and/or complaints of sexual harassment that do not meet the definition of sexual harassment under Title IX of the Education Amendments of 1972, shall be responded to and investigated in accordance with the School's Civil Rights Grievance Procedures,

Disciplinary Action

Following a determination that sexual harassment in violation of this Policy has occurred, the individual(s) found to have engaged in such harassment may be subject to discipline including, but not limited to, possible long-term suspension, expulsion or, in the case of an employee, termination. In some instances, the School may also exercise its authority under applicable Title IX or state regulations, to immediately remove, on an emergency basis, an individual identified as a perpetrator of sexual harassment even prior to the completion of an investigation and the issuance of a determination as to whether sexual harassment has occurred. The School may also provide interim supportive measures to protect the safety of the alleged victim and the alleged perpetrator, to deter further harassment, and/or to ensure equal educational access for the alleged victim and the alleged perpetrator during, and subsequent to, an investigation and determination in accordance with the School's Sexual Harassment Grievance Procedures.

Retaliation Prohibited Retaliation, reprisal, intimidation with, interference of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint of sexual harassment or participating in the investigation thereof, is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself. Such wrongful act may result in a student's long-term suspension of up to ninety (90) school days or, in the case of employees, termination of employment.

Report to Police

Depending upon the seriousness and frequency of incidents, the Springfield Police Department or the Massachusetts State Police may be contacted by the school administration.

Teen Dating Violence Policy

SICS is dedicated to providing an atmosphere from factual or threatened psychological, physical, or sexual abuse, including teen dating violence. SICS Health curriculum for grades 6-12 includes instruction on establishing safe, non-violent relationships.

It is the policy of SICS that teen dating violence related to school, including school-sponsored activities, shall not be tolerated.

Types of Dating Violence

A healthy relationship is made up of mutual respect, equality, trust, communication and freedom. In a healthy, non-abusive relationship, partners don't hurt each other. An unhealthy relationship is characterized by disrespect, fear, jealousy, abuse, and passivity.

Teen dating violence is abusive and violent behavior in a dating relationship. It often reflects the perpetrator's desire to control and dominate the victim. It covers a wide range of behaviors that include verbal and physical abuse, sexual abuse, and physical violence. It happens in both heterosexual and same-sex relationships.

Teen dating violence may involve controlling behavior, including not letting you hang out with your friends, contacting you frequently to find out where you are, who you're with, or what you're doing, telling you what to wear, or having to be with you all the time. It may also involve verbal and emotional abusive, including calling you names, belittling you, threatening to hurt you or others, or jealousy, or physical abuse (hitting, slapping, pinching, kicking, hair pulling, or strangling). Teen dating violence may also involve unwanted touching, forcing you to use alcohol or drugs, or forcing you to have sex or perform sexual acts. Teen dating violence may also constitute sexual harassment in violation of School policy, and reports thereof shall be

responded to in accordance with the School's Sexual Harassment Grievance Procedures and Title IX of the Education Amendments Act of 1972.

When complaints of teen dating violence are made known to administration and are not related to school or school-sponsored activities, the student will be informed of available services. A referral(s) to appropriate resources both in and out of school may be made. Parental involvement shall be encouraged.

It is important to note that, pursuant to *Massachusetts General Laws Chapter 119, §51A*, school staff are required by law to report to the Department of Children and Families if they have reasonable cause to believe that a child under the age of 18 is suffering serious physical, emotional abuse or neglect, or sexual abuse, including rape and indecent assault and battery.

Restraining Orders

It is responsibility of the student or parents to inform the SSC and Principal if he or she has obtained a restraining order against an individual. Once notified of the restraining order, the SSC and Principal may meet with the student and his/her parents to review the order and its implications. An appropriate safety plan will be developed where appropriate. Violation of a restraining order is a criminal offense, and must be reported to the police department.

When complaints of teen dating violence are made known to administration, and are not related to school or school-sponsored activities, the student will be informed of available services. A referral(s) to appropriate resources both in and out of school may be made. Parental involvement shall be encouraged.

Anti-Hazing Policy

Hazing is a term to define any harmful conduct or abusive method of initiation into any student organization. Any instances of hazing will be immediately reported to the SSC and Principal team who will determine the consequences to be issued.

A law prohibiting hazing, Chapter 269, Sections 17 – 19, was enacted in 1985 and amended in 1988 by the General Court. The laws state that each student be informed of the law's content and intent.

269, Sections 17-19:

Section 17:

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.

The term "hazing" as used in this section and sections eighteen and nineteen shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or any other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to affect adversely the physical health or safety of any student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.