

BROOKLINE PUBLIC SCHOOLS

HARASSMENT COMPLAINT PROCEDURES

I. PURPOSE AND SCOPE

Harassment is defined as any communication or conduct that limits or denies the ability of a student to attend, participate in, or benefit from the educational program or the ability of a staff member to attend to or perform his/her duties. It includes, but is not limited to, any communication, written, spoken or otherwise, such as jokes, comments, innuendoes, notes; material placed on the internet or other electronic media such as email, web page, and voice mail; writing placed on school property, the display of pictures or symbols, graffiti, gestures, or other conduct that offends or shows disrespect to others based upon age, color, disability, gender, national origin, race, religion, or sexual orientation.

By law, the particular communication or conduct is viewed from the perspective of a reasonable person. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person; therefore, individuals should consider how their words and actions might be viewed by other individuals.

It should be noted that, while this policy sets forth the goal of the Brookline Public Schools to maintain a work and educational environment that is free of harassment based upon age, color, disability, gender, national origin, race, religion, or sexual orientation, the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, whether or not that conduct satisfies the definition of harassment. This policy is also not intended to limit the rights students or staff have under the law or appropriate agreements, including filing a complaint with an outside agency.

Sexual Harassment

While all types of harassment are prohibited, sexual harassment requires special attention. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment, attendance, or education, or
2. The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a student, or

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3. Such conduct interferes with an individual's job duties, education, or participation in extra curricular activities, or
4. The conduct creates an intimidating, hostile or offensive work or school environment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating or humiliating to individuals of either gender may also constitute sexual harassment. While it is not possible to list all circumstances that may constitute such harassment, examples may include references to sexual conduct, comments on an individual's body, unwelcome leers, and suggestive or insulting comments.

II. FILING A COMPLAINT

Any student or employee who believes that the Brookline Public Schools has discriminated against or harassed him/her because of his/her age, color, disability, gender, national origin, race, religion, or sexual orientation in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with a building based Complaint Manager (names may be found in the Office of the Principal/Headmaster). In addition to the Complaint Managers, complaints may also be filed with the Principal/Headmaster or the "Complaint Administrators" listed below.

Anne Wilson, Assistant Superintendent for Human Resources,
(617)730-2410

Peter Rowe, Deputy Superintendent for Finance and Administration,
(617)730-2424

Jennifer Fischer-Mueller, Deputy Superintendent for Teaching and Learning, (617)730-2429

Willfully filing of a false complaint is strictly prohibited.

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Student Complaints, in particular

A student who believes that he/she is the victim of harassment should report the matter to a teacher, counselor, or administrator who in turn will notify a Complaint Manager in the school. As an alternative, a student may report directly to a Complaint Manager. Notice of each school's Complaint Managers will be posted in a prominent location in the school.

All employees of the Brookline Public Schools must respond to complaints by students of harassment by notifying the building principal or appointed Complaint Manager. Employees are required to take every report of harassment seriously.

A student may also file a complaint alleging harassment by contacting the Complaint Coordinator:

Denise Rochlin
Assistant Superintendent for Student Services
333 Washington Street
Brookline, MA 02445
(617)730-2444

The Assistant Superintendent of Human Resources, the Deputy Superintendent for Teaching and Learning, and the Superintendent as listed above are also available to provide information about this policy and the Brookline Public Schools' complaint process.

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 disability needs or is believed to need special education or related services, pursuant to Section 504 of the Rehabilitation Act of 1973, Chapter 766, and/or the Individuals with Disabilities Education Act, must use the procedure outlined in the Massachusetts Department of Education *Parents' Rights Brochure* rather than this Complaint Procedure. A copy of the brochure is available from the following individual:

Denise Rochlin
Assistant Superintendent for Student Services
333 Washington Street
Brookline, MA 02445
(617)730-2444

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

III. CONTENTS OF COMPLAINTS

The Brookline Public Schools urges all individuals in the school community to bring any complaint of harassment to the attention of school personnel IMMEDIATELY so that they can resolve the issue. The complaint must be in writing. The Complaint Administrator, Complaint Manager, or any person of the complainant's choosing may assist the complainant with filing the complaint. The written dated complaint must include the following information: (Form attached)

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 if not a student or employee) of the complainant's representative, if any.
3. If known, the name of the person(s) alleged to have caused the discrimination or harassment (respondent). If not known, then give a detailed description of the 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 how the complainant wants the complaint to be resolved.

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IV. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

A Complaint Administrator or Complaint Manager will promptly investigate every complaint, observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. If the investigator determines that harassment has occurred, the Complaint Administrator or Complaint Manager will take appropriate action to end the harassment and to ensure that it is not repeated.

Respondents will be informed of the charges as soon as the Complaint Administrator or Complaint Manager deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

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

Within twenty (20) school days of receiving the complaint, the Complaint Administrator or Complaint Manager will meet the complainant and/or his/her representative to review the 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 complainant and/or representative, the Complaint Administrator or Complaint Manager will provide written disposition of the complaint to the complainant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by the Brookline Public Schools involves disciplinary action against an employee or a student, 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 or harassment.)

Unless the allegation happens at the end of the school year, all the time lines specified above are school days and 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 time lines will be followed.

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After the case has been concluded, all records and paper work associated with the case will be forwarded to the Complaint Coordinator, Denise Rochlin, Coordinator of Title IX and Coordinator for Section 504 of the Rehabilitation Act and for M.G.L. Chapter 76 Section 5 (commonly known as Chapter 622). Assistant Superintendent Rochlin will keep all paperwork in a locked file cabinet. The respondent will be given the opportunity to review said paperwork and shall initial such material prior to its filing. The respondent's initials do not signify agreement with the contents but rather serve as evidence that the respondent has seen the material in question.

The Complaint Manager, the Complaint Administrator, or the Superintendent may access the Complaint Coordinators files only when investigating a second allegation involving individuals from their current investigation.

Confidentiality of complainants/respondents and witnesses will be maintained, to the extent consistent with the Brookline 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 this Complaint Procedure is strictly prohibited.

Penalties

Persons who engage in harassment or retaliation or who willfully files a false complaint will be subject to discipline, suspension, termination/expulsion or other sanctions, subject to applicable school system policies and procedures, as well as applicable contractual requirements.

Any disciplinary action imposed upon an employee or student is subject to applicable procedural requirements.

In certain cases, harassment of a student, and in particular, sexual harassment of a student may constitute child abuse under Massachusetts Law. Verbal sexual harassment of any child by anyone including school district employees/volunteers, is recognized as a form of child abuse and a warning sign of actual physical or sexual abuse. A matter reported under this section shall be screened by a Complaint Administrator or Complaint Manager to determined whether an investigation is pursuant to the Child Abuse and Neglect Policy, The Sexual Harassment Policy, or both. If such abuse is determined to have happened, then the screener will file a reported immediately with the Department of Social Services in accordance with the requirements of M.G.L. c. I 19, s. 51A. The Brookline Public Schools will

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comply with all legal requirements governing the reporting of suspected cases of child abuse.

V. APPEALS

If the complainant is not satisfied with the disposition by a Complaint Manager, the complainant/representative may appeal the disposition to one of the Complaint Administrators, identified in Section I above. If the complainant is not satisfied with the disposition by a Complaint Administrator, the complainant may appeal to the Superintendent, as follows:

Dr. William H. Lupini
333 Washington Street
Brookline, MA 02445
(617)730-2401

The Complaint Administrator/Superintendent will issue a written response on the appeal to the complainant within ten (10) school days of receiving the appeal. The respondent may file an appeal directly to the Superintendent.

Generally, a complainant may file a complaint with the U.S. Department of Education, Office for Civil Rights, JW McCormack POCH, Boston, Massachusetts 02109-4557, telephone (617)223-9662, TTY (617)223-9695.

VI. REFERENCES

State agencies that enforce laws prohibiting harassment or receive complaints thereunder include the Massachusetts Commission Against Discrimination (MCAD), which is located at One Ashburton Place, Boston, MA 02108, telephone (617) 727-3990; and the Massachusetts Department of Education, 350 Main Street, Malden, MA 02148-5023, telephone (781) 338-3300.

Federal agencies responsible for enforcing federal laws prohibiting harassment include the Equal Employment Opportunity Commission (EEOC), One Congress Street, Boston, MA 02109, telephone (617) 565-3200, TDD Users (617) 565-3204; and the U.S. Department of Education for Civil Rights (OCR), J.W. McCormack POCH, Boston, MA 02109-4557, telephone (617) 223-9662, TTD Users (617) 223-9695.