

# PUBLIC SCHOOLS OF BROOKLINE

## 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.

Discrimination on the basis of race, color, and national origin is prohibited by *Title VI of the Civil Rights Act of 1964*. Discrimination against persons with disabilities is prohibited by *Section 504 of the Rehabilitation Act of 1973* and *Title II of the Americans with Disabilities Act of 1990* (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance). Discrimination on the basis of sex is prohibited by Title IX of the Education Amendments of 1972.

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 Public Schools of Brookline 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 assault, 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
3. Such conduct interferes with an individual's job duties, education, or participation in extracurricular 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 Public Schools of Brookline 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/Head of School). In addition to the Complaint Managers, complaints may also be filed with the "Complaint Administrators" listed below.

, Director of Human Resources (employees)

Maria Letasz, Director of Guidance and Clinical Services (students)

Willfully filing of a false complaint is strictly prohibited.

### **Student Complaints, in particular**

A student who believes that he/she/they is the victim of harassment should report the matter to a teacher, counselor, or administrator who in turn will notify the Complaint Manager in the school. School based Complaint Managers are the principals of each school, or in the case of Brookline High School, the Dean of Student Services.

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 and on the school's website

All employees of the Public Schools of Brookline must respond to complaints by students of harassment by notifying the 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 Administrator:

Maria Letasz, Ed.D.  
Director of Guidance and Clinical Services  
District Title IX, Title VI, and Section 504 Coordinator (students)  
2 Clark Road, Brookline, MA 02445  
(617)730-2460

The Deputy Superintendent for Student Services, the Deputy Superintendent for Teaching and Learning, and the Deputy Superintendent for Administration and Finance are also available to provide information about this policy and the Public Schools of Brookline 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:

Maria Letasz, Ed.D.  
Director of Guidance and Clinical Services  
District Title IX, Title VI, and Section 504 Coordinator (students)  
2 Clark Road, Brookline, MA 02445  
(617)730-2460

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. TRAINING MATERIALS

All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates a resolution process will be posted publicly on the PSB website and made available upon written request for inspection by members of the public.

### **IV. CONTENTS OF COMPLAINTS**

The Public Schools of Brookline 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 of the complainant (or address and telephone number if not a student or employee).
2. The name of the complainant's representative, if any (and address and telephone number if not a student or employee).
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.

#### **IV. INVESTIGATION AND RESOLUTION OF THE COMPLAINT**

A Complaint Manager or the Complaint Administrator 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, a Complaint Manager or the Complaint Administrator will take appropriate action to end the harassment and to ensure that it is not repeated. Under federal law, if the allegation pertains to sexual harassment, but did not occur in the Complainant's education program within the United States, then the complaint must be dismissed. Dismissal does not preclude action under another provision or statutory remedy.

Respondents will be informed of the charges by the Complaint Manager or designee within 10 business days of receipt of the complaint. Notice will be provided to respondents in writing.

A Complaint Manager or the Complaint Administrator 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 will be completed within approximately fifteen (15) business days of notice to the respondent.

Within approximately twenty (20) school days of receiving the complaint, Complaint Manager or the Complaint Administrator will meet the complainant and/or the complainant's 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. Prior to completion of the investigative report, the Complaint Administrator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard

copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Within twenty (30) school days of the meeting with the complainant and/or representative, the Complaint Manager or the Complaint Administrator 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 Public Schools of Brookline 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.

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.

After the case has been concluded, all records and paper work associated with the case will be forwarded to the Complaint Administrator, Dr. Maria Letasz, Coordinator of Title IX, Title VI, and Section 504 of the Rehabilitation Act. The Complaint Administrator will keep all paperwork in a locked file cabinet.

A Complaint Manager, a Complaint Coordinator, or the Superintendent may access the Complaint Administrators 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 Public Schools of Brookline’s obligations relating to investigation of complaints and the due process rights of individuals affected, including both the complainant(s) and respondent(s).

Retaliation against someone because he/she has filed a complaint or participated in an investigation 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 and 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 Manager or Complaint Administrator to determine 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 Children and Families in accordance with the requirements of M.G.L. c. I 19, s. 51A. The Public Schools of Brookline will comply with all legal requirements governing the reporting of suspected cases of child abuse.

## **V. APPEALS**

If the complainant or respondent is not satisfied with the disposition by a Complaint Manager, the complainant/respondent/representative may appeal the disposition for an administrative review to one of the Complaint Administrators, identified in Section I above within twenty (20) business days. If the complainant or respondent is not satisfied with the disposition by a Complaint Administrator, the complainant may appeal for a second administrative review to the Deputy Superintendent for Student Services, as follows:

Casey Ngo-Miller  
Deputy Superintendent for Student Services  
333 Washington Street,  
Brookline, MA 02445  
(617)730-2444

The Complaint Administrator/Deputy Superintendent for Student Services will issue a written response on the appeal to the complainant within ten (10) school days of receiving the appeal.

Generally, a complainant may file a complaint with the U.S. Department of Education, Office for Civil Rights,  
5 Post Office Square, 8<sup>th</sup> Fl, Boston, Massachusetts 02109-3921, telephone (617)289-0111, TTY (800) 877-8339, Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov) or with OCR using OCR's electronic complaint form at the following website: <https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>

## **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) 2239695.

## **The Public Schools of Brookline Complaint Form for Reporting Harassment**

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. It includes, but is not limited to, any communication, written, spoken or otherwise, such as jokes, comments, innuendoes, notes; material placed on school property, the display of pictures or symbols, graffiti, gestures, or other conduct that offends or shows disrespect to others based on age, color, disability, gender, national origin, race, religion, or sexual orientation.

If you believe that you have been subjected to harassment you are encouraged to complete this form to the best of your ability and submit it to the Building Principal or District Coordinator for Title IX, Title IV, and Section 504 (students). You will not be retaliated against for filing a complaint. If you are more comfortable reporting verbally or in another manner, the district will complete this form, provide you with a copy and follow its harassment prevention policy by investigating the claim as outlined at the end of this form.

### **YOUR INFORMATION (for all persons making a complaint)**

Your name: \_\_\_\_\_ Name of student (for parents/guardians): \_\_\_\_\_  
Home address: \_\_\_\_\_  
Home or cell phone: \_\_\_\_\_ Email: \_\_\_\_\_  
School: \_\_\_\_\_ Grade/class: \_\_\_\_\_

### **COMPLAINT INFORMATION (for all persons making a complaint)**

1. Your complaint of harassment is made against:

Name: \_\_\_\_\_  
School: \_\_\_\_\_  
Grade/Class (if a student): \_\_\_\_\_  
Job Title (if an employee): \_\_\_\_\_  
School/work location (if known): \_\_\_\_\_

Relationship to you (please check one below):

Other student       Teacher       Other staff member       Other (please describe)

*(Please use additional sheets of paper if the complaint is against multiple people.)*

2. Please describe what happened and how it is affecting you and your education. Please use additional sheets of paper if necessary and attach relevant documents or evidence.

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3. Date(s) and location(s) harassment occurred:

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Is the harassment continuing?

Yes

No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

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Print Name:		Date:	
Signature:			

Civil Rights and harassment questions or concerns that pertain to students falls under the Office for Student Services.

Dr. Maria Letasz, District Coordinator for Title IX, Title VI, and Section 504 (students)