

GREATER LAWRENCE TECHNICAL SCHOOL DISTRICT

TITLE IX and M.G.L. CHAPTER 76, § 5 NOTICE

The Greater Lawrence Technical School District (hereinafter “School:”) shall not discriminate on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation in its educational programs, activities or employment policies as required by Title IX of the 1972 Educational Amendments and Massachusetts General Laws, Chapter 76, § 5 (which statute amended Chapter 622 of the Acts of 1971 and which hereinafter is referred to as: “M.G.L. c. 76, § 5”).

Title IX is federal legislation which prohibits discrimination on the basis of sex.

M.G.L. c. 76, § 5 is a state statute which prohibits discrimination on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Massachusetts General Laws, Chapter 76, § 5 applies to students.

Anne Marie Tucciarone-Mahan, Director of Human Resources, has been designated by the Superintendent-Director of the School as the Title IX Coordinator for the School to oversee the implementation and evaluation of all Title IX activities. Ms.

Tucciarone-Mahan can be contacted at:

Anne Marie Tucciarone-Mahan
Director of Human Resources/Civil Rights Coordinator
Greater Lawrence Technical School
57 River Road
Andover, MA 01810
Phone: (978) 686-0194 extension 1015
Email: atucciarone-mahan@glts.net

Petra Farias, Director of Admissions and Counseling, has been designated by the Superintendent-Director of the School to oversee the implementation and evaluation of all M.G.L. c. 76, § 5 activities. Ms. Farias can be contacted at:

Petra Farias
Director of Admissions and Counseling/Deputy Civil Rights Coordinator
Greater Lawrence Technical School
57 River Road
Andover, MA 01810
Phone: (978) 686-0194 extension 2059
Email: pfarias@glts.net

An employee or student who believes that a discriminatory action has occurred in violation of Title IX and/or M.G.L. c. 76, § 5 also may report the alleged violation in writing directly to:

Title IX

The Office of Civil Rights, Region 1
140 Federal Street
Boston, MA 02110

M.G.L. c. 76, § 5:

Bureau of Equal Educational Opportunity
Northeast Regional Education Center
1551 Osgood Street
North Andover, MA 01845

GREATER LAWRENCE TECHNICAL SCHOOL DISTRICT

DISCRIMINATION AND HARASSMENT POLICY **AND COMPLAINT PROCEDURES**

G.L.T.S. is committed to maintaining an educational environment free of discrimination and harassment based on race, color, religion, gender, gender identity, national origin or ancestry, veteran status and national guard or reserve unit obligations, handicap, disability, age, sexual orientation, genetics or any other basis protected by applicable, federal, state or local laws, by administrators, teachers, certified and support personnel, employees, students, vendors and other individuals (hereinafter “members of the School community”) at GLTS or at GLTS -sponsored events is unlawful and is strictly prohibited. GLTS requires all members of the School community to conduct themselves in an appropriate manner with respect to their fellow members of the School community.

I. Definitions: For the purposes of this procedure:

A. A “complaint” is defined as an allegation that a member of the School community has been discriminated against or harassed on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, veteran’s status, gender identity, genetic information, ancestry age or disability.

B. “Discrimination” against a **student** shall mean discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, veteran’s status, gender identity, genetic information, ancestry age or disability which excludes or limits a student from participation in School, a program or activity of the School, or which denies the student the benefits of the School, its programs or its activities. .

C. “Discrimination” against an **employee** shall mean discrimination or harassment on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, veteran’s status, gender identity, genetic information, ancestry age or disability in order to:

- (i) not hire or employ or to bar or to discharge from employment such employee; or
- (ii) to discriminate against an employee in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. Discrimination against an **employee** also shall mean those practices set forth in M.G.L. c. 151B, § 4 as they apply to the School.

D. “Discrimination” against **either a student or an employee** on the basis of sex shall also include, but not be limited to, Sexual Harassment.

E. “Harassment” means unwelcome conduct on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, veteran’s status, gender identity, genetic information, ancestry, age or disability that is sufficiently severe, persistent or pervasive to create a hostile environment for a member of the School community.¹

Harassment may include insults, name-calling, off color jokes, threats, comments, innuendos, notes, display of pictures or symbols, gestures, or other inappropriate conduct which degrades a person or a group and which rises to the level of a hostile environment.

F. “Sexual Harassment” of a **student** means unwelcome, sexually offensive or gender-based conduct which is severe, persistent or pervasive enough to create a hostile environment for the student at School.²

Sexual Harassment of a **student** may include, but is not limited to, inappropriate touching, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (i) grades, academic standing evaluation of academic achievement or the provision of the benefits and privileges of School opportunities are conditioned upon a student submitting to or rejecting such advances, requests or conduct; or
- (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with a student’s education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.³

G. “Sexual Harassment” of an **employee** means unwelcome, sexually offensive or gender-based conduct which is severe, persistent or pervasive enough to create a hostile environment for an employee.

Sexual Harassment of an **employee** also may 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 employment or as a basis for employment decisions; or
- (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile,

¹ Determination of Hostile Environment. In every instance when determining whether an environment is “hostile,” the School shall examine the seriousness, context, nature, frequency, and location of the Prohibited Conduct, as well as the age, identity, number and relationships of the persons involved. The School must consider whether the Prohibited Conduct 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.

² See above for definition of Hostile Environment.

³ For purposes of Title IX, “Sexual Harassment” of a student also shall mean sexual violence and gender-based harassment which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

humiliating or sexually offensive work environment.

The following also shall constitute Sexual Harassment of an **employee**:

- (i) direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment; or
- (ii) other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers.

H. Examples of Sexual Harassment - While it is not possible to list all circumstances that may constitute Sexual Harassment, the following are some examples of conduct which, if unwelcome, may constitute Sexual Harassment depending upon the totality of the circumstances, the severity of the conduct and its pervasiveness:

- Unwelcome touching, leering, whistling, brushing against the body, sexual gestures,;
- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life; one's physical appearance or one's sexual activity;
- Displaying sexually suggestive objects, drawings, pictures, or cartoons;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

I. "Prohibited Conduct" as used herein includes Discrimination, Harassment, Sexual Harassment and Retaliation⁴.

All Prohibited Conduct as defined herein in any form or for any reason is unlawful and absolutely forbidden. This includes Prohibited Conduct by or against any member of the School community. Persons who engage in Prohibited Conduct may be subject to disciplinary action, including, but not limited to reprimand, counseling, suspension, termination of employment, expulsion from School or other sanctions as determined by the School, subject to applicable procedural requirements and law.

J. "Retaliation" means discriminating against, harassing, firing or demoting or otherwise taking action against any individual who has made a complaint about Prohibited Conduct.

Retaliation is unlawful and will not be tolerated by the School. Retaliation against any individual who has cooperated with or participated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the School. Retaliation may result in disciplinary measures up to and including expulsion from School or termination of employment

II. Complaint Procedure

When the School receives a complaint it will promptly investigate the allegation in a

⁴ Retaliation is explained below.

fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent appropriate and as allowed by law. The School's investigation will include a private interview with the person filing the complaint and with witnesses. The School also will interview the person alleged to have engaged in the Prohibited Conduct (hereinafter "the accused").

When the School has completed its investigation, it will inform the person filing the complaint and the accused of the results of that investigation to the extent appropriate and subject to applicable law. If it is determined that Prohibited Conduct has occurred, the School will act promptly to eliminate the Prohibited Conduct and will impose disciplinary action when appropriate.

A. How to make a complaint:

1. Any member of the School community who believes that he or she is the victim of Prohibited Conduct should report their concern promptly to the following persons:

Civil Rights Coordinator (for complaints by Employees)

Anne Marie Tucciarone-Mahan
Director of Human Resources
Greater Lawrence Technical School
57 River Road
Andover, MA 01810
Phone: (978) 686-0194 extension 1015
Email: atucciarone-mahan@glts.net

Deputy Civil Rights Coordinator (for complaints by Students):

Petra Farias
Director of Admissions and Counseling
Greater Lawrence Technical School
57 River Road
Andover, MA 01810
Phone: (978) 686-0194 extension 2059
Email: pfarias@glts.net

Members of the School community may also report their concern to any School administrator. Once an administrator receives a report, he or she shall notify the Civil Rights Coordinator of the complaint. Students or employees who are unsure whether discrimination, harassment or sexual harassment has occurred are encouraged to discuss the situation with the Civil Rights Coordinator. The Civil Rights Coordinator and the Deputy Civil Rights Coordinator shall confer concerning the handling of all Title IX and M.G.L. c. 76, § 5 complaints and investigations.

2. School staff shall report possible incidents of discrimination, harassment or sexual harassment of students and fellow employees immediately to the Civil Rights Coordinator.

Alternatively, School staff may report possible incidents to the Assistant Superintendent/Principal who, in turn, shall notify the Civil Rights Coordinator immediately.

3. Parents and other adults are also encouraged to report to the Civil Rights Coordinator or the Deputy Civil Rights Coordinator any concerns about Prohibited Conduct against a member of the School community which have allegedly occurred on School grounds, at School related events, or which occurred outside of School but possibly create a hostile environment for a member while he or she is at School.

B. Complaint Process:

1. The administrator who received the Complaint (including the Principal) shall promptly inform the Civil Rights Coordinator. The Civil Rights Coordinator shall promptly inform the person(s) who is the subject of the complaint that a complaint has been received. The Civil Rights Coordinator will then notify the Deputy Civil Rights Coordinator should the complaint involve a student. The Deputy Civil Rights Coordinator shall inform the Civil Rights Coordinator of all complaints she has received.

2. After notifying the appropriate Civil Rights Coordinator, and in consideration of circumstances of the complaint, the Principal may pursue an informal resolution of the complaint, but only with the agreement of the parties involved. Informal resolution is entirely voluntary, and the complainant shall be notified by the School that he or she may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution. Notwithstanding the above, the informal resolution process shall not be utilized in the event of alleged sexual assault or sexual violence.

3. Under the formal resolution procedure, the complaint will be investigated by the Principal or other individual designated by the Principal or Civil Rights Coordinator, where appropriate. Any complaint about an employee who holds a leadership position shall be investigated by the Civil Rights Coordinator. Any complaint about the Superintendent-Director should be submitted to the School District Committee Chair, who shall consult with legal counsel concerning the handling of the investigation of the complaint.

4. As it concerns complainants who are students, the School shall request consent from the student, if over the age of 18, or from the student's parents or legal guardians if the student is under 18 before commencing a formal investigation.

5. If the complainant requests confidentiality or asks that the complaint not be pursued, then subject to applicable law the School will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or a request not to pursue an investigation. If a complainant insists that his or her name or other identifiable information not be disclosed to the accused, then the School shall inform the complainant that its ability to respond may be limited. If the complainant continues to request that his or her name or other identifiable information not be revealed, the School will evaluate such a request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students and weigh the request for confidentiality against the following factors: The seriousness of the alleged conduct; the complainant's age; whether there have been other complaints about the accused; the accused's rights; and applicable law. If the

School is prevented from taking disciplinary action against the accused as the result of the complainant's insistence upon confidentiality or refusal to cooperate with an investigation, the School expressly reserves the right in its discretion to take steps which seek to limit and prevent the recurrence of the alleged conduct.

6. The formal investigation shall be conducted consistent with the following guidelines:

a. The complainant shall have the opportunity to be heard and to present witnesses and other relevant evidence to the investigator.

b. The person who is the subject of the complaint (the "accused") shall have the opportunity to be heard and to present witnesses and other relevant evidence to the investigator.

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, harassment or sexual harassment while the investigation is pending.

7. 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 discrimination, harassment or sexual harassment as defined above.

8. The investigator shall provide written notice of the outcome of the investigation to both the complainant and the accused whether or not the allegation(s) forming the basis of the complaint have been substantiated.

a. The investigation and the notification of the outcome to the complainant and the accused 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 in the event 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 or investigations by third party state or federal agencies. If the investigator extends the investigation, he or she will notify the complainant and the accused of the extension. Notwithstanding this, in all instances the School shall endeavor to limit such extensions as much as possible in order to promptly complete its investigation.

c. If a complaint or report of discrimination or harassment is received after June 1st 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 the school year, the School will make reasonable efforts to complete the investigation within the above-referenced time frame,

but may extend the investigation period as necessary 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 and the accused of the extension and make reasonable efforts to interview 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.

9. If the investigator determines that discrimination, harassment or sexual harassment has occurred, he or she shall take steps to eliminate the discriminatory or harassing environment, which steps may include, but are not limited to, the following:

a. Consideration of whether a disciplinary referral is appropriate as to the person(s) who engaged in discrimination or harassment, if any;

b. Determination of what steps are necessary to prevent recurrence of any discriminatory or harassing behavior and to correct its discriminatory or harassing effects to the extent appropriate, and;

c. Determination of what steps are necessary to correct any hostile environment, to prevent its recurrence and to address its effects.

10. If the complainant (and in the event the complainant is under the age of 18, then the complainant's parents/legal guardians) or the accused (and in the event the accused is a under the age of 18, then the accused's parents or legal guardians) is 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. The School shall promptly provide written notice to the other party that an appeal was filed. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why these alleged 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 Assistant Superintendent/Principal or designee's determination, or reverse the Assistant Superintendent/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-Director.

11. If the complainant or the accused (or their respective parents or legal guardians) are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent-Director within seven (7) calendar days after receiving notice of the Civil Rights Coordinator's decision. The Superintendent-Director will consider the appeal and respond to the appeal within ten (10) school days of receipt of the appeal. The Superintendent-Director's decision shall be final and written notice of the decision shall be given to both the complainant and the accused.

12. Members of the School Community are encouraged to utilize the School's Complaint Procedure as set forth above, but 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, 8th Floor
Boston, Massachusetts 02110-1491
Telephone: (617) 289-0111
Fax: 617-289-0150
TDD: 877-521-2172

OR

Program Quality Assurance Services
Problem Resolution System
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

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, the employee may file a formal complaint with either or both of the government agencies set forth below. Using the School's complaint process does not prohibit an employee from filing a complaint with these agencies. Employees are notified that each of the agencies has a short time period for filing a claim.

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
TTY: 1-800-669-6820

Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196