

TITLE IX SEXUAL HARASSMENT POLICY

It is the policy of the Greater New Bedford Regional Vocational School District (“District”) to maintain an environment that is free from all forms of discrimination and harassment, including all forms of sex-based harassment. The District does not discriminate on the basis of sex in any of its educational programs or activities. The District is required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681, *et seq.*) and its regulations (34 C.F.R. § 106.8) not to discriminate in such a manner. This requirement not to discriminate extends to admission and employment. Inquiries regarding Title IX and its regulations should be addressed to the District’s Title IX Coordinator.

Retaliation against individuals who file complaints of alleged sexual harassment or those who participate or assist in the investigation of complaints is expressly prohibited.

A. Application of Policy

While the District prohibits all forms of sex-based harassment, the purpose of this policy is to address, and only to address, **sexual harassment as defined in Title IX** and Section I(B), below, that occurs within the educational programs and activities of the District, against a person in the United States, and to outline a grievance process for the investigation and determination of responsibility when a formal complaint of sexual harassment has been made. While the District must respond to all “reports” of sexual harassment, the Title IX Grievance Process is only initiated when a formal written complaint requesting an investigation is filed.

The District will address other harassing conduct that does not meet the Title IX definition of sexual harassment in an appropriate manner in accordance with other District policies (AC, ACA, ACAB, ACE, JB, JBA).

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, on District property, or during any school program or activity. The Respondent must be a member of the District’s community for its policies to apply. Volunteers and visitors who engage in sexual harassment will be instructed to leave school property or reported to law enforcement. A third party under the control or supervision of the District will be subject to termination of contracts/agreements, restricted access to school property, or other consequences, as appropriate.

B. Sexual Harassment

It shall be a violation of this policy for any student or employee of the District to engage in sexual harassment. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following criteria:

1. A District employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);

2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity¹; or
3. Any instance of sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v) (the Clery Act), or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Any student or employee who believes that he or she has been exposed to sexual harassment or retaliation should immediately report the conduct to the District's Title IX Coordinator.

The context of behavior can make a difference between conduct falling within the definition of Sexual Harassment under Title IX, and conduct of a sexual nature that is offensive or hostile in itself, but does not meet the criteria to qualify as sexual harassment under Title IX. **District policies prohibit both, but for purposes of its Title IX obligations the District must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process.** Unless stated otherwise, all references to "sexual harassment" in this policy mean sexual harassment that meets the above definition.

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the District did not have substantial control over both the harasser/respondent and the context in which the harassment occurred. Title IX protections extend to all programs and/or activities whether on or off-campus.

C. Reports and Formal Complaints

Any student or employee has the right to report misconduct or file a formal complaint alleging sexual harassment or retaliation to the District's Title IX Coordinator. The District has adopted a grievance process to address all reports and formal complaints. The grievance process:

1. Treats complainants and respondents equitably.
2. Requires an objective evaluation of all relevant evidence.
3. Assures that all Title IX Coordinators or Deputy Coordinators, investigators, decision-makings, and individuals providing supportive measures or designated to facilitate an informal resolution process are properly trained and do not have a conflict of interest or bias.
4. Presumes that the respondent is not responsible for the alleged conduct until the process has been completed and a determination of responsibility is made.
5. Provides for reasonably prompt timeframes for the conclusion of the grievance process.
6. Describes the range of possible disciplinary or corrective measures and remedies possible following a determination of responsibility.
7. Adopts the preponderance of the evidence standard for complaints against both students and employees.
8. Provides an appeals process.
9. Includes a range of supportive measures that are available whether or not a formal complaint is filed and which are available for both the complainant and respondent.

¹ This standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability status of the harasser and victim and the number of individuals involved and their authority.

10. Does not require, allow, rely upon, or otherwise take into account questions or evidence that constitutes or seeks the disclosure of information that is protected under a legally recognized privilege unless that privilege has been specifically waived.

The Title IX Grievance Process and complaint form are available on the District's website. Copies may also be obtained from the Title IX Coordinator.

D. Title IX Coordinator

The District shall specifically designate and authorize at least one District employee as its Title IX Coordinator. The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment and coordinate the District's response in a manner that is prompt and equitable. The contact information for the Title IX Coordinator shall be made readily available in District materials and on the District's website.

In the event the Title IX Coordinator is unavailable, including unavailable due to a conflict of interest, the Superintendent shall designate another individual with appropriate training and qualifications to serve as the Title IX Coordinator in that case. Where the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent who shall act as Title IX Coordinator or appoint another individual to perform such function.

Title IX Coordinator:

Jeffrey Caron, Assistant Principal
1121 Ashley Boulevard, Room B154a
New Bedford, MA 02745
(508) 998-3321 ex. 277
jeffrey.caron@gnbvt.edu

Deputy Title IX Coordinators:

Ryan Methia, Athletic Director
1121 Ashley Boulevard, Room XXX
New Bedford, MA 02745
(508) 998-3321 ex. 293
ryan.methia@gnbvt.edu

Pamela Smith, Human Resources
1121 Ashley Boulevard, Room XXX
New Bedford, MA 02745
(508) 998-3321 ex. 375
pamela.smith@gnbvt.edu

Inquiries may also be made externally to:

Office for Civil Rights (OCR), Boston Office
U.S. Department of Education
5 Post Office Square, 8th floor
Boston, MA 02109-3921
Telephone: (617)289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov
Web: <http://www.ed.gov/ocr>

E. Training.

All District employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the District's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings (if applicable), appeals, and information resolution processes). The training must also include avoiding prejudice of the facts, conflicts of interest, and bias.

Materials used to train Title IX team members must be made available to the public.

F. Confidentiality

The District will respect the confidentiality of the complainant and the respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action.

G. Retaliation Prohibited

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to materially false statements made in bad faith, or to submitting materially false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.

H. Conflict of Interest

No person designated as a Title IX Coordinator, investigator, decision-maker, or person designated by the District to facilitate an informal grievance process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

I. Public Notice and Dissemination of Policy

The District shall include in all student and employee handbooks the contact information for the Title IX Coordinator(s), information on where to find and how to access the District's grievance procedures and grievance process, and a statement that the District does not discriminate on the basis of sex in the education program or activities that it operates, and that it is required by Title IX not to discriminate in such a manner. In addition, the District will publish and make available online:

- The District's Title IX Grievance Complaint Process;
- Information on how to file a complaint of sexual harassment;
- Information on how the District will respond to such a complaint; and
- A statement that Title IX inquiries may be referred to the Title IX Coordinator.