



Greater New Bedford Regional Vocational Technical High School (GNBRVTHS) Title IX Sexual Harassment Grievance Procedure

Title IX

Greater New Bedford Regional Vocational Technical High School (GNBRVTHS) promotes an educational and workplace environment that is free of all forms of discrimination and harassment, including all forms of sex-based harassment. It is the policy of GNBRVTHS not to discriminate on the basis of sex in any of its educational programs or activities. This non-discrimination policy extends to admissions and the employment application process. The district will not tolerate any such behavior, all of which are prohibited by federal and state law and according to the District's Code of Conduct. GNBRVTHS will continue to keep our District and surrounding communities safe by responding effectively and immediately if an incident occurs.

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

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

New Title IX regulations were added to the Educational Amendments of 1972 that went into effect on August 14, 2020. The regulations imposed a detailed grievance and investigative process, as outlined below. The Title IX regulations require that all schools receiving federal funding must abide by these rules.

TITLE IX COORDINATOR

Yolanda Dennis, Director of Equity, Diversity, Inclusion and Family Engagement is designated as the district Title IX Coordinator. Any student and/or employee who believes that they have been discriminated against or harassed, including disparities in athletics, please report promptly and contact Ms. Dennis at Yolanda.dennis@gnbvt.edu or call 508-998-3321 ext. 563. The Title IX office is located in J138, Monday – Friday, 7:30 a.m. – 3:00 p.m. A formal complaint can be submitted online at www.gnbvt.edu.

The Title IX Coordinator is the responsible district employee who provides leadership and direction in overseeing the prevention, response and remediation related to sexual harassment. This includes receiving reports and providing supportive measures. Any student or employee who believes they have been discriminated against or harassed should report their concern

promptly to the Title IX Coordinator. In the event that the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest, the Superintendent shall designate another appropriately qualified and trained individual to serve as the Title IX Coordinator in that case.

DEFINITIONS

Actual Knowledge- Occurs when the District’s Title IX Coordinator or any employee (other than a “respondent” or alleged harasser) receives a notice, report or information or becomes aware of sexual harassment or allegations of sexual harassment.

Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant by may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. “Complainant” and “Alleged Victim” can be used interchangeably.

Consent – Is informed, freely giving, and mutually understood. Lack of consent is a critical factor in determining whether sexual violence/assault has occurred. Consent requires an affirmative act or statement by each participant.

Dating Violence – Violence committed by a person who is or has been in a societal 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.

Decision Maker means the person or persons tasked with: the responsibility of making the initial determination of responsibility (at times referred to as initial decision maker”); or the responsibility to decide any appeal (at times appeals decision maker”) with respect to formal complaints of sexual harassment in accordance with the Title IX Grievance Process.

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.

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 their age or because of their temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c.265, §23, the statutory age of consent is 16 years of age.

Formal Complaint – A document or electronic submission filed by a complainant, that includes the complainant’s physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX Coordinator, that:

- Alleges sexual harassment against a respondent; and
- Requests that the District investigate the allegation of sexual harassment.

The complainant must be participating in or attempting to participate in the District’s education program or activity at the time of filing a formal complaint.

Hostile Environment – Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s education or employment by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Sexual Assault: An assault that meets the definition of rape, fondling, incest, or statutory rape.

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.

Examples of Sexual Assault include:

- Sexual intercourse (anal, oral, or vaginal) by a man or woman upon a man or woman without consent.
- Sexual touching with an object or body part, by a man or woman upon a man or woman, without consent.
- Sexual touching with an object or body part, by a man or woman upon a man or woman, committed by force, threat, or intimidation.
- Non-consensual video or audio-taping of sexual activity.

Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment – The term under Title IX includes three (3) types of conduct based on sex that satisfies one of the following criteria:

- Any instance of “quid pro quo” harassment by a school’s employee;
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal education access; and
- Any instance of sexual violence (i.e., sexual assault, sexual exploitation, dating violence, or stalking as defined below).

Examples of Sexual Harassment may include, but are not limited to:

- Unwelcome touching, kissing, hugging, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos or sexual humor
- Obscene gestures
- Sexual graffiti, pictures, or posters
- Sexually explicit profanity

- Inquiries, or discussion about sexual experiences, activities, or fantasies

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.

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.”

- **Course of conduct:** 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:** a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial Emotional Distress:** significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Supportive Measures - Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other class-related adjustments; modifications of work or class schedules; school 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 school; and other similar measures.

MANDATORY REPORTERS

When the district has “actual knowledge,” this means whenever any employee receives actual notice of sexual harassment or notice of allegations of sexual harassment (as a witness, third party report, written or verbal complaint via email, mail, etc.). Therefore, *all GNBVT employees are mandatory reporters for Title IX purposes and all sexual harassment reports made to any employee, must be promptly reported to the Title IX Coordinator.*

WHAT IS SEXUAL HARASSMENT?

The new Title IX regulations define Sexual Harassment broadly to include three types of harassment based on sex and all risks equal access to education and within the workplace that Title IX is designed to prevent and protect. Sexual Harassment is:

- *Any instance of “quid pro quo” harassment by a school’s employee;*

- *Any unwelcome sex-based conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal education access (creating a hostile environment); and*
- *Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence or stalking (as defined by the Violence Against Women Act (VAWA)).*

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurs (1) outside the United States or (2) under circumstances in which the District does 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.

CONFIDENTIALITY

GNBRVTHS will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law and/or necessary to carry out a Title IX proceeding.

FORMAL COMPLAINT PROCEDURES

A complainant, their parent or legal guardian or the Title IX Coordinator can submit a Title IX formal complaint alleging sexual harassment and requesting that the school investigate the allegations. Once a formal complaint is filed, the school is obligated to investigate and will begin the process even if the report was also filed with local law enforcement. Parents and guardians have the right to file a formal complaint on behalf of their children.

Reporting Responsibilities: Anyone may report an allegation of sexual harassment and are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any district employee who receives a report of sexual harassment will respond to the report as outlined within the procedures. District employees who observe sexual harassment of a student should intervene to stop the conduct and shall promptly inform and report the incident to the Title IX Coordinator or Principal. The Principal who receives the report of sexual harassment shall promptly inform the Title IX Coordinator of the report. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall report the allegation to the Superintendent.

District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

- *Offer supportive measures to both complainant and respondent to preserve each party's equal educational access pending the outcome of the grievance process*

- *Promptly and confidentially contact the complainant to discuss the availability of supportive measures;*
- *Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;*
- *Consider the complainant's wishes with respect to supportive measures;*
- *If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and*
- *Explain to the complainant the process for filing a Title IX Formal Complaint.*

FILING A TITLE IX FORMAL COMPLAINT

Only a complainant (if under 18, a parent/guardian) or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation 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 take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District'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.

Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

- 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.
- A **Formal Complaint** may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- 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.
- 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.
- Consideration of the use of the Informal Resolution Process with the consent of the parties (referenced below).
- 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.

SUPPORTIVE MEASURES FOR BOTH THE COMPLAINANT AND THE RESPONDENT

Upon receiving a report of sexual harassment (and a filing of a formal complaint), the district must respond promptly and provide supportive measures to both parties such as:

- *Counseling*
- *Extensions of deadlines or other class-related adjustments*
- *Modifications of class/school schedules*
- *School escort services*
- *Mutual restrictions on contact between parties*
- *Leaves of absence*
- *Increased security and monitoring of certain areas of the school, etc.*

Supporting measures will be offered by the Title IX Coordinator with or without a formal complaint being filed by a complainant, their parent or guardian.

WRITTEN NOTICE OF ALLEGATIONS

Upon receipt of a Formal Complaint, the District shall send written notice to all parties with sufficient time to allow the respondent to prepare a response prior to a formal interview. The written notice must include:

1. Notice of the Grievance Process, including informal resolution options.
2. Notice of the allegations, including sufficient detail (i.e., names of known parties, conduct alleged to be sexual harassment, date/location of conduct, etc.) to allow respondent to respond.
3. A statement prohibiting knowingly submitting false information.
4. A statement that the respondent is presumed not responsible for the alleged conduct.
5. That a determination regarding responsibility will be made at the conclusion of the grievance process.
6. That the parties may have an advisor of their choice present at any interview or relevant proceedings. The advisor may but is not required to be an attorney.
7. That the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that were not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

DISMISSAL OF COMPLAINTS CONSIDERED

Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:

- *Even if proved, would not meet the definition of sexual harassment under Title IX;*
- *Did not occur in an education program or activity of the District; or*
- *Did not occur against a person in the United States.*
- *At the time of filing of the complaint, the complainant is not participating in or attempting to participate in the education program or activity of the district.*

The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:

- *The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;*
- *The respondent is no longer enrolled or employed by the District; or*
- *Specific circumstances prevent the District from gathering sufficient evidence to make a determination.*

The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal. Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

INITIAL INVESTIGATION

The Title IX Coordinator will coordinate the investigation. All Formal Complaints will be investigated by the Title IX Coordinator and/or designee to serve as the investigator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. The District investigator shall comply with the following requirements when investigating a Formal Complaint of sexual harassment:

- **Standard of Proof** - The investigator shall make factual findings based on a ***preponderance of the evidence standard*** (more probable than not).
- The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.

- The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag” orders).
- 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.
- The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- The District may not access, consider, disclose or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity, which are made and maintained in connection with the provision of treatment to the party, unless the District obtains the party’s voluntary, written consent to do so.
- The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic 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 District 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.

OPPORTUNITY FOR PARTIES TO RESPOND TO EVIDENCE

The District 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 District 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.

- 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.

- 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.

COMPLETION OF THE INVESTIGATIVE REPORT

The District 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, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

PARTIES' OPPORTUNITY TO RESPOND TO INVESTIGATIVE REPORT

The District 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**.

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, 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 relevant questions to the decision-maker in writing.

- All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
- Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.

3. Upon receipt of the directed questions from the District, each party and witness shall have **10 (ten) days** to respond to those questions in writing.

4. After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within **three (3) calendar days**, and those follow-up questions shall be responded to in writing within **three (3) calendar days** of receipt.

5. Each party will be provided a copy of the other party's or witness's written answers. The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of minors, 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.

DETERMINATION OF RESPONSIBILITY/FINDINGS OF FACT BY THE DECISION MAKER

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.

- Standard of Proof - The decision-maker shall make factual findings based on a preponderance of the evidence standard.
- 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.
- The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
- The written determination must be sent simultaneously to both parties. 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 or where the process is otherwise reasonably delayed, the written determination shall be issued **within sixty (60) school days of receipt of the Formal Complaint**.

REMEDIAL ACTION

If the decision-maker determines that sexual harassment has occurred, the District 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 District's education programs and/or activities. These remedies may include the same individualized services as the supportive measures previously outlined above; however,

remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedial action may also involve school or district wide recommendations or initiatives, including training, additional educational programs, and other measures as determined appropriate to protect the educational environment and deter sexual harassment.

DISCIPLINE

Disciplinary sanctions are consequences imposed on a respondent after he/she is found responsible for conduct that constitutes sexual harassment pursuant to this Policy. Discipline sanctions include, but are 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 District administration, subject to applicable procedural requirements.

- *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.*

INFORMAL RESOLUTION PROCESS

Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation. ***Both parties must give voluntary, informed, written consent to attempt any offered informal resolution.*** Any informal resolution under this procedure will be under the direction of the Informal Resolution Process Facilitators.

- ***The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.***
- *The informal process is voluntary, and either party may withdraw from the informal resolution process at any time and resume the Formal Complaint grievance process at any time prior to reaching a resolution.*
- *The District shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.*
- *The informal process shall not exceed **thirty (30) calendar days**. Participation in the informal process will stay the timelines of the Formal Complaint process.*

EMERGENCY REMOVAL

Under Title IX, the District may remove a respondent on an emergency basis at any time provided that the District:

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 appeal the decision. An appeal must be requested in writing within 48 hours of the removal, or any challenge to the removal will be deemed waived. The appeal is not a hearing on the merits of the allegations, but an administrative process intended solely to determine whether emergency removal is appropriate. The District shall continue to offer educational programming until a final determination is made in accordance with the grievance process.*

Where the respondent is a District employee, the Superintendent may place the employee on a non-disciplinary administrative leave during the pendency of the grievance process. The Title IX Coordinator shall keep the Superintendent or designee informed of any employee respondents so that any required reports or disclosures may be made to the Massachusetts Department of Elementary and Secondary Education.

ANONYMOUS REPORTS

The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District'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 District 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 District will be unable to provide the complainant supportive measures in response to that report. The District 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. ***Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.***

APPEALS

The complainant or respondent may appeal from a determination regarding responsibility and/or from the District'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 was not reasonably available at the time of the determination regarding responsibility or dismissal was made, 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.*
4. *Any additional bases as determined by the District, provided that it is offered equally to both parties.*

An appeal may be made to the Superintendent or designee within **ten (10) calendar days** after receiving the determination of responsibility or dismissal. The District shall notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The decision maker for the appeal shall not be the same individual as the initial decision maker, Title IX Coordinator, or investigator. Both parties will be afforded a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The Superintendent or designee will issue a decision describing the result of the appeal and the basis for that decision, and issue written findings simultaneously to both parties.

The Superintendent will decide the appeal within a reasonably prompt period of time following receipt of the written appeal.

Appeals must be **made in writing** (email is sufficient) to the Superintendent/Director, Greater New Bedford Regional Vocational Technical High School, 1121 Ashley Boulevard, New Bedford, MA. 02745. Website: <https://www.gnbvt.edu/>.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

RETALIATION

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.

RECORDS AND RECORDKEEPING

Records related to this Procedure will be maintained for a period of **seven (7) years**, which includes the following:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recordings or transcripts, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;

- Any appeal and the result therefrom;
- Any informal resolution and the result therefrom;
- Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;
- An explanation of why the District's response in a particular situation was not deliberately indifferent. If no supportive measures were provided, the District must explain the reason why its response was not deliberately indifferent or clearly unreasonable in light of the known circumstances; and
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The contact information for state and federal employment discrimination enforcement agencies is as follows:

United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building;
 15 New Sudbury Street, Room 475;
 Boston, MA 02203-0506
 1-800-669-4000 TTY: 1-800-669-6820
 Website: <https://www.eeoc.gov/field-office/boston/location>

Massachusetts Commission Against Discrimination (MCAD)

One Ashburton Place, Suite 601
 Boston, MA 02108
 (617)-994-6000 TTY: (617) 994-6196
 Español, 中文, Kreyòl Ayisyen, русский, Português, etc. (617) 994-6071
 Website: <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>