

SALEM PUBLIC SCHOOLS
SEXUAL HARASSMENT / TITLE IX GRIEVANCE PROCESS

While all forms of Harassment are prohibited by Salem Public School District, Sexual Harassment requires particular attention. Salem Public School District will promptly respond to all reports alleging Sexual Harassment as defined by Title IX regulations to ensure a fair and equitable resolution to the report, provide support to the victim, eliminate harassment, and impose discipline if necessary.

Pursuant to Title IX of the Education Amendments of 1972, Salem Public School District has a Grievance Process for investigating and resolving Formal Complaints of Sexual Harassment.

According to Title IX, sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Salem Public School District conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Salem Public School District's education programs or activities; or
3. "Sexual Assault" or, an offense classified as a forcible or nonforcible sex crime; "dating violence" or, violence committed by a person who (a) is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship; or "stalking" or engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are examples of prohibited conduct between students, employees, and obviously employees and students:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

TITLE IX COORDINATOR

The Title IX Coordinator is responsible for ensuring Salem Public School District's compliance with Title IX and this Grievance Process. Salem Public School District's student Title IX Coordinator is Deborah Connerty. The Title IX Coordinator for staff is Alicia Palmer. Their contact information is provided below.

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Salem Public Schools
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RESPONSE TO SEXUAL HARASSMENT

A student wishing to report sexual harassment, may inform the Title IX Coordinator, or any other employee. Any District employee with knowledge of an allegation of sexual harassment, must report it, whether they personally witness the sexual harassment, learn of it from a third party or the alleged victim themselves.

Once the Title IX Coordinator learns of an allegation of sexual harassment, they will contact the alleged victim, or "the Complainant," to gather preliminary information, offer "Supportive Measures," and inform that person of the right to file a "Formal Complaint" against the alleged perpetrator, or "the Respondent," that initiates the Title IX "Grievance Process."

A "Formal Complaint" is a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Salem Public School District investigate the allegation of sexual harassment and initiate the Grievance Process. Formal Complaints may be filed with the Title IX Coordinator in person, by mail, or electronic mail. To file a Formal Complaint, the alleged sexual harassment must have occurred in the school's district educational programming or activity, and within the United States.

In some circumstances, the District will dismiss a Formal Complaint. The District has discretion to dismiss a Formal complaint where the passage of time would result in an inability to gather sufficient evidence for a determination of responsibility, the district lost responsibility over the Respondent. The District must dismiss the Formal complaint if it does not constitute sexual

harassment as complicated by Title IX. However, the school may investigate the conduct as it pertains to other school policies.

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has filed. Such Measures are designed to restore or preserve equal access to the Salem Public School District education and activities, including measures designed to protect the safety of all or the educational environment, or deter sexual harassment.

Salem Public School District will maintain the confidentiality of any Supportive Measures to the extent possible and document the supportive measures offered by the Title IX Coordinator to the Complainant and Respondent. Examples of supportive measures include, but are not limited to the following: counseling, deadline extensions, course adjustments, work or schedule modifications, and increased security.

RETALIATION:

Salem Public School District strictly prohibits retaliation in any form against persons seeking protection under this policy, reporting sexual harassment, or participating in the Grievance Process. As such, the District will investigate any reports of retaliation and take separate disciplinary action against those found to have retaliated against another.

GRIEVANCE PROCESS:

Once the Formal Complaint is filed, the “Grievance Process” commences. Salem Public School District is committed to treating all parties equitably during the Grievance Process. Salem Public School District is committed to completing the Grievance Process as soon as possible with the goal of completion within 60 days. However, if required, by good cause, such as the absence of a party, a party’s advisor, or a witness; law enforcement or DCF involvement; or the need for accommodations, the parties will be notified of the need for delay.

Salem Public School District will provide the Complainant and Respondent with written notice of the allegations and the Grievance Process. This notice will include details of the specific allegations against the Respondent. The parties will be informed at this time of their right to have an advisor of their choice, who may be, but is not required to be, an attorney, and may accompany them at any point during the process. They will also be informed of their right to inspect and review evidence. The parties will also be reminded of the school’s prohibition against knowingly making false statements during this process. The Respondent is presumed not responsible for the alleged conduct until a determination of responsibility has been made. Supportive measures are available to all parties during the Grievance Process.

The Title IX Grievance Process requires the involvement of several different employees that fulfill separate roles. The assignment of these roles is not predetermined to ensure that the Grievance Process for each Formal Complaint is free of conflicts. As noted earlier, the Title IX Coordinator oversees Title IX compliance and the Grievance Process. Additionally, each Formal Complaint

will be assigned an “Investigator,” who could be a Principal, Vice-Principal, or other employee that is properly trained in investigations. Each Title IX investigation will be assigned a “Decision-Maker,” which similarly could be a Principal, Vice-Principal, or other employee that is properly trained. All appeals will be reviewed by someone who was involved in the underlying Title IX investigation

Salem Public School District will ensure that Title IX coordinators, investigators, Decision-makers, and any person who facilitates an informal resolution process, receives training on this process and his or her respective role.

INFORMAL RESOLUTION:

If appropriate, the Title IX Coordinator will offer the parties the option of an informal resolution process, but, pursuant to Title IX, not until a Formal Complaint has been filed and the parties have been fully advised of their Title IX rights. Before beginning an informal resolution process, Salem Public School District will obtain written consent from the Complainant and Respondent. At any time, the parties can withdraw from the informal resolution and the Grievance Process will resume. Informal Resolution shall not be offered in the event the Respondent is an employee of Salem Public School District.

INVESTIGATION:

A properly trained Investigator will complete an investigation into the Formal Complaint. Both, the Respondent and Complainant, will have an equal opportunity to present witnesses and other evidence. Prior to any interviews with a witness, Salem Public School District will provide the witness with notice of the date, time, location, participants, and sufficient time to prepare for that interview. Both parties will have an equal opportunity to examine and inspect evidence. Unless waived by one of the parties, the investigation will not intrude on any information legally protected as privileged. Questions and evidence about a person’s sexual predisposition or prior sexual behavior are not relevant, unless it is offered to prove that someone other than the Respondent committed the alleged act, or the questions and evidence concern specific incidents of sexual behavior between the parties and it is offered to prove consent. At the conclusion of the investigation, the Investigator will create an Investigative Report that summarizes the relevant evidence and send it to each party and the party’s advisor.

The parties will have 10 days before any hearing or determination of responsibility to review and respond to the report if they so choose. Time periods may be extended or delayed for good cause, including the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.

The designated Decision-Maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions. The Decision-Maker, who will first evaluate the relevancy of each question. In the event that the Decision-Maker decides to exclude a question, they will provide a written decision explaining their reasoning.

HEARINGS:

Though it is not required, Salem Public School District reserves the right to conduct a full-live hearing as part of the Grievance Process. At such hearing, the Decision-maker will permit each party's Advisor to ask the other party and any witnesses relevant questions. If a party does not have an advisor, Salem Public School District will provide one at no cost. Upon the request of the Complainant or Respondent, Salem Public School District will utilize technology to separate the parties during the hearing process. If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not consider any statement of that party or witness in determining responsibility.

FINDING OF RESPONSIBILITY:

Any Respondent found, by a preponderance of the evidence, to have committed Sexual Harassment shall be subject to a range of discipline, including, but not limited to: detention, exclusion of extracurricular activities, suspension, and expulsion, or in the case of an employee termination of employment.

The Decision-Maker will simultaneously issue a written determination of responsibility that includes a description of the allegations, the procedural steps of the grievance process, the findings of facts, the conclusions reached, and a statement and rationale of responsibility and related discipline. If applicable, it will also include remedies designed to restore or preserve equal access to education and activities at Salem Public School District.

APPEAL:

Both the Complainant and Respondent shall have the right to appeal the decision of the Grievance Process by notifying the Title IX coordinator in writing within 10 business days of receiving the decision. The grounds for appeal are limited to: procedural irregularity, new evidence that was not reasonably available at the time of the determination or dismissal, or an alleged conflict of interest. Both parties shall have an opportunity to provide a written statement supporting their position on Appeal. The Appeal shall be reviewed by a person who is not the original decision-maker, investigator, or Title IX Coordinator. That person shall issue a written decision and rationale simultaneously to the parties.

CONTACT INFORMATION FOR STATE AND FEDERAL ENFORCEMENT AGENCIES

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

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

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

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