



September 10, 2024

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Civil Rights Grievance Procedures Policy
Formerly Known as The Uniform Grievance Procedures Policy

Recommendation: That the School Committee approve the revisions to Civil Rights Procedures Policy formerly known as the Uniform Grievance Procedures Policy detailed in the attached document.

These policy revisions are being presented for a second reading.

Description: This document contains revisions to the Uniform Grievance Procedures, including renaming it as Civil Rights Grievance Procedures and making adjustments to bring it into a form consistent with changes made as a result of the new federal Title IX regulations.

Supporting Data: Uniform Grievance Procedures Policy.

Respectfully submitted,

David Murphy
Interim Superintendent of Schools

AC-R – CIVIL RIGHTS UNIFORM GRIEVANCE PROCEDURES

I. Complaint Investigation

When the Cambridge Public Schools receives a complaint of discrimination, harassment, inappropriate conduct or a complaint involving any other area of concern, it will investigate the allegation in a fair and expeditious manner. If the complaint involves conduct that occurred off school grounds, outside of a school's education program or activity, the Cambridge Public Schools will, as part of its investigation, consider the effects of the off-school grounds conduct when evaluating whether there is a hostile environment on school grounds. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. If the individual filing the complaint is under eighteen (18), the school will notify the parents/guardians/caregivers of the student before beginning the investigation. The investigation may include an interview with the person filing the complaint and also may include interviews with witnesses or other individuals who the Cambridge Public Schools believes would be useful to the investigation. The Cambridge Public Schools also will interview the person alleged to have engaged in the conduct that is the subject of the complaint. When the Cambridge Public Schools has concluded its investigation, the Cambridge Public Schools will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

These complaint investigation procedures cover complaints alleging discrimination or harassment based on race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy-related condition; as well as complaints alleging inappropriate conduct by a school employee and/or complaints involving any other areas of concern. The procedures are designed to promote the sensitive handling of employee and student issues, the thorough investigation of complaints, and to facilitate a prompt and expeditious internal review and a fair and equitable resolution of complaints alleging discrimination based on race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy-related condition. An employee or student may also select any of the routes identified in ~~section III of the Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment~~ or identified below ~~in Section I.B~~ to discuss a concern or file a complaint of discrimination or harassment. A parent/guardian/caregiver, student, staff member or concerned community member may also select any of the routes identified in ~~Section IV of the Cambridge Public Schools Bullying Prevention and Intervention Plan~~ to discuss a concern or file a complaint of bullying. A parent/guardian/caregiver or student also may select any of the routes identified in Section 22 of the *Cambridge Public Schools Rights and Responsibilities Handbook* to discuss a concern or file a complaint to redress a deprivation of rights. Employees and students are encouraged to attempt resolution within their school or administrative office and may seek advice from appropriate individuals within their school or administrative office or from the Director of Diversity Development or the Office of Human Resources without being required to file a formal complaint.

The Civil Rights Grievance Procedure shall not apply to reports of sexual harassment discrimination as defined under Title IX of the Education Amendment of 1972 and its

implementing regulations (“Title IX”). Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the Cambridge Public Schools Sexual Misconduct/Title IX Policy for allegations related to incidents that occurred prior to August 1, 2024 and for allegations related to incidents that occur on or after August 1, 2024 shall be addressed through the Cambridge Public Schools Non-Discrimination on the Basis of Sex/Title IX Policy. Similarly, allegations of conduct that meet the definition of sex-based harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the applicable Title IX policy. Allegations of conduct that do not meet the definition of sex-based harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the Civil Rights Grievance Procedure.

Please note that while these procedures relate to the Cambridge Public Schools' policy of promoting a workplace and educational setting free from discrimination and harassment, including sexual harassment and retaliation, as detailed in this policy and in the Non-Discrimination Policy and ~~Title IX policies~~ Prohibition Against Sexual Harassment, and free from bullying and retaliation as detailed in this policy and the Anti-Bullying Policy and Bullying Prevention and Intervention Plan these procedures are not designed nor intended to limit the Cambridge Public Schools' authority to discipline or take remedial action for workplace and educational conduct which the Cambridge Public Schools deems unacceptable.

Definitions

For the purposes of these procedures:

A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school district.

B. “Harassment” means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual’s participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

Non-Title IX Sexual Harassment

a. M.G.L. c. 151B, § 1 - the term “sexual harassment” is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) 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; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an

intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

b. M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

c. Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Off-campus conduct may constitute harassment if it creates a hostile environment at school for the victim; however, conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

C. Retaliation: Retaliatory acts against any individual who exercises their rights under the civil rights statutes covered by these procedures or the applicable Title IX policy are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under these procedures and/or the applicable Title IX policy.

D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents/guardians/caregivers of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

E. Party or Parties: The complainant and/or respondent.

F. Principal: The Principal or Principal's designee.

G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under these procedures.

A. General Policies

1. No reprisals or retaliation shall be invoked against any employee or any student for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in these complaint procedures.
2. No reprisals or retaliation shall be invoked against any employee or any student who, in good faith, has testified, assisted or participated in any manner in any investigation, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures.
3. Whenever possible, a conference should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs.
4. The Cambridge Public Schools will work with an individual who files a complaint, including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

B. Procedures

How to make a complaint

Any student or employee who believes that they have been discriminated against or harassed should report their concern promptly to the Principal or Civil Rights Coordinator. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. A complaint will not be dismissed because it was reported to the incorrect school personnel.

Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under these procedures. In such circumstances, that person is referred to as the “reporter.”

A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.

B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that they may

initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.

C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against a Respondent.

D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal or designee. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.

F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may:

(a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint;

(b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel;

(c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above;
or

(d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal or designee will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.

G. Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.

H. Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to 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 and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation 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 timeframe, but may extend the investigation period 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 Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed. Any interim measures provided to the parties may continue during the period of postponement. See Section G.

I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A 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. During the formal resolution procedure:

1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.

4. The investigator will keep a written record of the investigation process.
5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
7. Nothing in this Procedure will preclude the investigator, in their discretion, from completing the investigation sooner than the time period described above.

J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent or, in the case of minor children, the parties' parent(s)/guardian(s)/caregiver(s) of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines. The notification will include the notice of the opportunity for appeal; however, failure to provide notice of appeal shall not constitute a violation of this policy. The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law.

Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

If it is determined that discriminatory conduct has been committed by a CPS employee or student, the CPS shall take action that is appropriate under the circumstances. Such action shall include, but not be limited to, counseling, restorative practices, or termination of employment-in the case of employees-or expulsion-in the case of students. While these measures relate to CPS' policy of promoting a workplace and educational setting free from discrimination, these procedures are not designed nor intended to limit the CPS' authority to discipline or take remedial action for workplace and educational conduct which the CPS deems unacceptable.

Additionally, the Cambridge Public Schools has a conflict mediation program which individuals may access for the resolution for matters or conflicts during or outside of the resolution processes detailed above.

When informing the parties' parent(s)/legal guardian(s) about the results of the investigation, the school district may consider appropriate notification processes when special circumstances may apply (e.g., disclosure of sexual orientation or gender identity/expression).

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, Cambridge Public Schools, 135 Berkshire Street, Cambridge, Massachusetts 02141. The Superintendent of Schools will notify, in writing, both the complainant and the individual against whom the complaint was filed of the outcome of the investigation. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under these procedures is the Chief Talent Officer, Office of Human Resources, Cambridge Public Schools, 135 Berkshire Street, Cambridge, Massachusetts 02141

N. If no satisfactory resolution can be reached through review by the Superintendent of Schools the student or employee has the right to take the complaint to an appropriate state or federal agency. Moreover, it should be noted that using the Cambridge Public School's complaint process does not prohibit you from filing a complaint with these agencies.

For students, complaints may be taken to the:

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Phone: 617-289-0111
Fax: 617-289-0150
TDD: 1-800-877-8339
Email: OCR.Boston@ed.gov

Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148-4906
Phone: 781-338-3700

Fax: 781-338-3710
TTY: N.E.T. Relay: 1-800-439-2370
Email: compliance@doe.mass.edu

or to the Massachusetts Commission Against Discrimination at the addresses listed below, or to other appropriate state or federal agency.

For employees, the contact information for state and federal employment discrimination enforcement agencies is as follows:

(1) Federal:

United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203-0506

Phone: 1-800-669-4000
EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; and

(2) State:

Massachusetts Commission Against Discrimination (MCAD)
Boston Headquarters
One Ashburton Place Sixth Floor, Room 601
Boston, MA 02108

Phone: (617)- 994-6000
MCAD Website: <https://www.mass.gov/orgs/massachusetts-commissionagainst-discrimination>.

LEGAL REF: Section 504 of the Rehabilitation Act of 1973;

Title II of the Americans with Disabilities Act of 1990;

Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964;

Title IX of the Education Amendments of 1972;

M.G.L. c. 151B and c. 151C;

M.G.L. c. 76, § 5

CROSS REFERENCES: JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

1. Informal Resolution of Concerns-

~~Before initiating the formal procedure, the student or employee should, if possible, resolve any complaint on an informal basis.~~

a. ~~Students can raise the issue to their teacher, principal, head of upper school, dean, the Director of Diversity Development or the Deputy Superintendent of Teaching and Learning.~~

b. ~~Employees can raise the issue to either their supervisor, or the Director of Diversity Development or the Executive Director of the Office of Human Resources. These offices are both located on the first floor of 159 Thorndike Street, Cambridge, Massachusetts. The telephone number of the Director of Diversity Development is 617-349-6456, and the telephone number of the Office of Human Resources is 617-349-6438.~~

~~The appropriate department or school administrator shall attempt, within their authority, to work with the individual to resolve the complaint fairly and expeditiously within ten (10) working days of receiving the complaint.~~

~~Whichever option is chosen, attempts will be made to resolve the matter to the satisfaction of the employee or student who has made the complaint. If the employee or student is not satisfied with the resolution, or if the employee or student does not choose informal resolution, then the employee or student can begin the formal complaint process.~~

2. ~~Formal Resolution of Concerns.~~

~~Both employees and students may direct the complaint to the Director of Diversity Development or the Office of Human Resources for investigation. Employees and students are expected to direct the complaint no later than twenty (20) calendar days after the alleged conduct occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. The employee or student shall fill out a Conduct Practice Review Form that will state the name of the individual and the location of the school/department where the alleged practice occurred, the basis for the complaint and the corrective action the employee or student is seeking.~~

~~After filing the formal written complaint, the Director of Diversity Development or the Office of Human Resources shall promptly give written notification to the appropriate school/department identified in the complaint. This written notification shall be a copy of the complaint filed with the Director of Diversity Development or the Office of Human Resources. The Director of Diversity Development or the Office of Human Resources will conduct the necessary investigation promptly after receiving the complaint. In the course of its investigation, the Director of Diversity Development or the Office of Human Resources shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant, the complainant's parent/guardian/caregiver if the complainant is under the age of 18, and the person against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved. If further documentation is needed, the Director of Diversity Development or the Office of Human Resources shall present to the appropriate authorities, written requests for additional information~~

pertaining to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. For example, sometimes the employees or students that are involved in the complaint are not immediately available. The Director of Diversity Development or the Office of Human Resources, however, will make sure that the complaint is handled as quickly as is feasible and will strive to complete the investigation within thirty (30) working days. When more than thirty (30) working days is required for the investigation, the Director of Diversity Development or the Office of Human Resources shall inform the employee or student who filed the complaint, in writing, that the investigation is still on going.

After completing the formal investigation of the complaint, the Director of Diversity Development or the Office of Human Resources shall request a meeting with the person against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved, to discuss the findings of the Director of Diversity Development or the Office of Human Resources, and, at the same time, to give the person against whom the complaint was filed and/or the principal/head of upper school, supervisor or appropriate authority involved, an opportunity to respond to the findings, and to seek to resolve the complaint. When feasible and appropriate, the Director of Diversity Development or the Office of Human Resources will make every attempt to resolve the issue within the time parameters of this initial meeting; however, more than one meeting may be necessary. The Director of Diversity Development or the Office of Human Resources will strive to complete both the investigation and the resolution of the complaint within thirty (30) working days. When more than thirty (30) working days is required for the investigation and resolution process, the Director of Diversity Development or the Office of Human Resources shall inform the employee or student who filed the complaint and the individual against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved that additional time is needed for the resolution process.

If the Director of Diversity Development finds that there is reasonable cause, based upon a preponderance of the evidence (more likely than not), for believing that a discriminatory, harassing or inappropriate practice has occurred, the Director of Diversity Development will refer the matter to the Executive Director of Human Resources of the Cambridge Public Schools or to the Superintendent of Schools for the Cambridge Public Schools and/or designee for appropriate action, up to and including termination for employees or expulsion for students. The Director of Diversity Development will notify, in writing, both the complainant and the individual against whom the complaint was filed of the outcome of the investigation. If the Office of Human Resources finds that there is reasonable cause, based upon a preponderance of the evidence (i.e., more likely than not), for believing that a discriminatory, harassing or inappropriate practice has occurred, the Office of Human Resources will refer the matter to the Superintendent of Schools for the Cambridge Public Schools and/or designee for appropriate action, up to and including termination for employees or expulsion for students. The Office of Human Resources will notify, in writing, both the complainant and the

individual against whom the complaint was filed of the outcome of the investigation.

If no satisfactory resolution can be reached through either the informal or formal resolution procedures detailed above, the student or employee has the right to bring the complaint to the Superintendent of Schools for review. The written complaint submitted to the Superintendent shall state the grievance, including the specifics relating to the discriminatory, harassing or inappropriate practice that has occurred, and shall include a brief statement of the facts and specific request for relief. The Superintendent of School or designee will conduct the necessary investigation promptly after receiving the complaint. This process shall include, at a minimum, contacting the complainant, the complainant's parent/guardian/caregiver if the complainant is under the age of 18, and the person against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved and reviewing any prior informal and/or formal investigation that has been conducted by the school district with respect to the matter. The Superintendent of Schools or designee will strive to complete both the investigation and the resolution of the complaint within fifteen (15) working days. When more than fifteen (15) working days is required for the investigation and resolution process, the Superintendent of Schools or designee shall inform the employee or student who filed the complaint and the individual against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved that additional time is needed for the resolution process. If the Superintendent of Schools or designee finds that there is reasonable cause, based upon a preponderance of the evidence (i.e., more likely than not), for believing that a discriminatory, harassing or inappropriate practice has occurred, the Superintendent of Schools will take appropriate action, up to and including termination for employees or expulsion for students. The Superintendent of Schools will notify, in writing, both the complainant and the individual against whom the complaint was filed of the outcome of the investigation.

If no satisfactory resolution can be reached through review by the Superintendent of Schools the student or employee has the right to take the complaint to an appropriate state or federal agency. Moreover, it should be noted that using the Cambridge Public School's complaint process does not prohibit you from filing a complaint with these agencies.

For students, complaints may be taken to the:

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Phone: 617-289-0111
Fax: 617-289-0150
TDD: 1-800-877-8339
Email: OCR.Boston@ed.gov

~~Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148-4906
Phone: 781-338-3700
Fax: 781-338-3710
TTY: N.E.T. Relay: 1-800-439-2370
Email: compliance@doe.mass.edu~~

~~or to the Massachusetts Commission Against Discrimination at the addresses listed below, or to other appropriate state or federal agency.~~

~~For employees or applicants for employment, complaints may be taken to the:~~

~~Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, Massachusetts 02108
Phone: 617-994-6000
TTY: 617-994-6196
Fax: 617-994-6024
Email: assistanttochairman@state.ma.us~~

~~Addresses for other Massachusetts Commission Against Discrimination offices are listed below.~~

~~U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, Massachusetts 02203
Phone: 1-800-669-4000
TTY: 1-800-669-6820
Fax: 617-565-3196
ASL Video: 844-234-5122~~

~~or other appropriate state or federal agency.~~

II. Disciplinary Action

If it is determined that inappropriate conduct has been committed by a Cambridge Public Schools employee or student, the Cambridge Public Schools will take action that is appropriate under the circumstances. Action may range from counseling, restorative practices to termination of employment or discipline, up to and including expulsion.

III. State and Federal Remedies

~~In addition to the above, employees who believe they have been subjected to discrimination and/or harassment, may file a formal complaint with the respective state agency and/or the United States Equal Employment Opportunity Commission (EEOC). Using the Cambridge Public School's complaint process does not prohibit you from filing a complaint with these agencies. Each agency has a specific time period for filing a claim. The United States Equal Employment Opportunity Commission (EEOC) allows at least 180 days (may be longer in some~~

circumstances) to file a complaint, and the Massachusetts Commission Against Discrimination (MCAD) allows at least 300 days to file a complaint.

1. ~~The United States Equal Employment Opportunity Commission (EEOC)~~

JFK Federal Building	131 M. Street, N.E.†
475 Government Center	Fourth Floor, Suite 4NW02F
Boston, MA 02203	Washington, DC 20507-0100
Phone: 617-565-3200	Phone: 1-800-669-4000
TTY: 617-565-3204	TTY: 1-800-559-6820
Fax: 617-565-3196	Fax: 202-419-0734
ASL Video: 844-234-5122	ASL Video: 844-234-5122

2. ~~Massachusetts Commission Against Discrimination (MCAD)~~

Boston Office:	Springfield Office:
One Ashburton Place	436 Dwight Street
Suite 601	Suite 220
Boston, MA 02108	Springfield, MA 01103
Phone: 617-994-6000	Phone: 413-739-2145
TTY: 617-994-6196	Fax: 413-784-1056
Fax: 617-994-6024	Email: assistanttochairman@state.ma.us
Email: assistanttochairman@state.ma.us	

Worcester Office:	New Bedford Office:
484 Main Street	800 Purchase Street
Room 320	Room 501
Worcester, MA 01608	New Bedford, MA 02740
Phone: 508-453-9630	Phone: 508-990-2390
Fax: 508-755-3861	Fax: 508-990-4260
Email: assistanttochairman@state.ma.us	Email: assistanttochairman@state.ma.us

3. ~~Students may also file complaints with the Massachusetts Commission Against Discrimination (MCAD) at the addresses listed above; Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education at the address listed above, and with the United States Department of Education, Office for Civil Rights at the address indicated above.~~

4. In some cases, the conduct complained of may constitute harassment or discrimination and criminal activity (e.g., sexual harassment under Title IX and criminal activity). If you believe that the conduct also constitutes a crime you have a right to file a complaint at any time, including during or after the school's investigation into your complaint.

~~VI~~. Conflict Resolution Measures

Additionally, the Cambridge Public Schools has a conflict mediation program which individuals may access for the resolution for matters or conflicts that do not fall within the established informal and formal resolution processes detailed above.

CROSS REFS.: [ACA-ACE](#) Non-Discrimination subcategories

[ACAB](#) Non-Discrimination Policy

[ACABA-1 Sexual Misconduct/Title IX Policy](#)

[ACABA-2 Non-Discrimination on the Basis of Sex/Title IX Policy and Prohibition Against Sexual Harassment](#)

Adopted: ~~December 4, 2018~~