



September 2, 2014

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Uniform Grievance Procedures

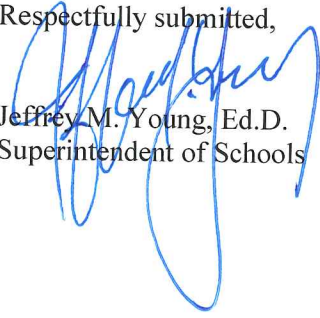
Recommendation: That the School Committee approve the revisions to the Uniform Grievance Procedures as detailed in the attached document.

This is a first reading of this policy.

Description: The attached document seeks to revise the school district's uniform grievance procedures to clarify that these uniform procedures cover the process for investigating and addressing any type of concerns and complaints that the school district receives and that these uniform procedures are not just limited to complaints of harassment and discrimination.

Supporting Data: Attached policy

Respectfully submitted,

  
Jeffrey M. Young, Ed.D.  
Superintendent of Schools

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File: AC-R

## UNIFORM GRIEVANCE PROCEDURES

### I. Complaint Investigation

When the Cambridge Public Schools receives a complaint of discrimination, ~~or harassment, inappropriate conduct or a complaint involving any~~ other area of concern ~~matter~~, 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 ~~of discrimination or harassment~~ is under eighteen (18), the school will notify the parents/guardians 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 ~~committed the discrimination or harassment~~ 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, sex, religion, age, sexual orientation, genetic information, gender identity and disability 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, religion, sex, age, sexual orientation, genetic information, gender identity or disability. An employee or student may also select any of the routes identified ~~above~~ 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, 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 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 Office of Affirmative Action or the Office of Human Resources without being required to file a formal complaint.

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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 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.

**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 of ~~discrimination or harassment~~, including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

**B. Procedures**

**1. Informal Resolution of ~~Discrimination and Harassment~~ Concerns.**

Before initiating the formal procedure, the student or employee should, if possible, resolve any complaint ~~regarding an alleged~~ \_\_\_\_\_  
~~discriminatory practice~~ on an informal basis.

- a. The student can raise the issue to his or her teacher, principal, head of upper school, dean, the Affirmative Action Officer or the Deputy Superintendent of Teaching and Learning.
- b. The employee can raise the issue to either his or her supervisor, or to either the Affirmative Action Officer, 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 Office of Affirmative Action 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 his/her 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 Discrimination and Harassment Concerns.**

Both employees and students may direct the complaint to the Office of Affirmative Action 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 discriminatory practice/conduct occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. The employee or student shall fill out a Discriminatory Conduct Practice Review Form that will state the name of the individual and the location of the school/department where the alleged discriminatory practice occurred, the basis for the complaint and the corrective action the employee or student is seeking.

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After filing the formal written complaint, the Office of Affirmative Action 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 Office of Affirmative Action or the Office of Human Resources. The Office of Affirmative Action or the Office of Human Resources will conduct the necessary investigation promptly after receiving the complaint. In the course of its investigation, the Office of Affirmative Action 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 if the complainant is under the age of 18, and the person against whom the complaint was filed and/or the principal or appropriate authority involved. If further documentation is needed, the Office of Affirmative Action 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 Office of Affirmative Action 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 Office of Affirmative Action 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 Office of Affirmative Action or the Office of Human Resources shall request a meeting with the person against whom the complaint was filed and/or the principal or appropriate authority involved, to discuss the findings of the Office of Affirmative Action 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, supervisor or appropriate authority involved, an opportunity to respond to the findings, and to seek to resolve the complaint. When feasible and appropriate, the Office of Affirmative Action 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 Office of Affirmative Action 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 Office of Affirmative Action 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 or appropriate authority involved that additional time is needed for the resolution process.

If the Office of Affirmative Action finds that there is reasonable cause, based upon a preponderance of the evidence (more likely than not), for believing that a discriminatory, ~~or~~ harassing or inappropriate practice has occurred, the Office of Affirmative Action 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 his or her designee for appropriate action, up to and including termination for employees or expulsion for students. The Office of Affirmative Action 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, ~~or~~ 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 his or her 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

Boston, Massachusetts 02108  
 Phone: 617-994-6000  
 TTY: 617-994-6196;

U.S. Equal Employment Opportunity Commission  
 John F. Kennedy Federal Building  
 475 Government Center  
 Boston, Massachusetts 02203  
 Phone: 617-565-3200  
       1-800-669-4000  
 TTY: 617-565-3204  
       1-800-669-6820;

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 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 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  
 475 Government Center  
 Boston, MA 02203  
 Phone: 617-565-3200  
 TTY: 617-565-3204

131 M Street, N.E.  
 Washington, DC 20507  
 Phone: 202-663-4900  
 TTY: 202-663-4494

You can reach an EEOC field office by calling toll free:  
 Phone: 1-800-669-4000  
 TTY 1-800-669-6820

### **2. Massachusetts Commission Against Discrimination (MCAD)**

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 if the complainant is under the age of 18, and the person against whom the complaint was filed and/or the principal 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 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, 8<sup>th</sup> Floor  
Boston, MA 02109-3921

Bureau of Equal Education Opportunity  
Massachusetts Department of Elementary and Secondary Education  
1 Congress Street, 11<sup>th</sup> Floor  
Boston, MA 02114;

or 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

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Boston Office:  
One Ashburton Place  
Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

Springfield Office:  
436 Dwight Street  
Room 220  
Springfield, MA 01103  
Phone: 413-739-2145

3. Students may also file complaints with the Massachusetts Commission Against Discrimination at the addresses listed above, and with the United States Department of Education, Office for Civil Rights, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921 Phone: 617-289-0111; Fax: 617-289-0150.
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.

CROSS REFS.: ACA-ACE Non-Discrimination subcategories  
ACAB Non-Discrimination Policy and Prohibition Against Sexual Harassment

| *Adopted: November 20, 2012*