

UNIFORM GRIEVANCE PROCEDURES

I. **Complaint Investigation**

When the Cambridge Public Schools receives a complaint of discrimination or harassment, it will investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. 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. 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 and disability. 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 or disability. An employee or student may 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. 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.

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, as detailed in this policy and in the Non-Discrimination Policy and Prohibition Against Sexual Harassment, 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, 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 administrators 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 occurred in order for an expeditious

investigation to be conducted, unless extenuating circumstances exist. The employee or student shall fill out a Discriminatory 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.

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 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 that the investigation is still ongoing.

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 for believing that a discriminatory or harassing 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. If the Office of Human Resources finds that there is reasonable cause for believing that a discriminatory or harassing 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.

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 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
33 Arch Street, Suite 900
Boston, MA 02110-1491

Bureau of Equal Education Opportunity
Massachusetts Department of Elementary and Secondary Education
350 Pleasant Street
Malden, MA 02148-4906;

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

1801 L Street, N.W.
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)

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, 33 Arch Street, 9th Floor, Boston, MA 02110
Phone: 617-289-0111; Fax: 617-289-0150.

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

Adopted: September 8, 2009