



May 1, 2018

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Cambridge Public Schools
Uniform Grievance Procedures Policy

- Recommendation: That the School Committee approve the revisions to the Uniform Grievance Procedures Policy as detailed in the attached document.
- Description: These revisions to the Uniform Grievance Procedures Policy are being made to the list of protected categories to include pregnancy and pregnancy related conditions in accordance with the terms of Massachusetts' recently enacted Pregnant Workers Fairness Act, to provide for consistent order in the listing of protected categories within the policy and across all policies involving protected categories, and to ensure more gender inclusive terminology is utilized within the policy.
- This is a first reading of these proposed revisions to the Uniform Grievance Procedures Policy.
- Supporting Data: Attached redline of revisions to Cambridge Public Schools Uniform Grievance Procedures Policy.

Respectfully submitted,

Kenneth N. Salim, Ed.D.
Superintendent of Schools

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 identity, sexual orientation, pregnancy, or pregnancy-related condition. ~~race, color, national origin, sex, religion, age, sexual orientation, genetic information, gender identity, veteran status, military status 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, veteran status, military status or disability~~ race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, 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 Program Manager for Diversity Development 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 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, including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

B. Procedures

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. ~~The s~~Students can raise the issue to ~~his or their~~ teacher, principal, head of upper school, dean, the Program Manager for Diversity Development or the Deputy Superintendent of Teaching and Learning.
- b. ~~The e~~Employees can raise the issue to either ~~his or their~~ supervisor, or ~~to either~~ the Program Manager for 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 Program Manager for 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 his/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 Program Manager for 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 Program Manager for 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 Program Manager for Diversity Development or the Office of Human Resources. The Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 Program Manager for 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 ~~his or her~~ designee for appropriate action, up to and including termination for employees or expulsion for students. The Program Manager for 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 ~~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 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

26

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 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
475 Government Center
Boston, MA 02203

Phone: 617-565-3200
TTY: 617-565-3204
Fax: 617-565-3196
ASL Video: 844-234-5122

131 M Street, N.E.
Fourth Floor, Suite 4NW02F
Washington, DC 20507-0100

Phone: 1-800-669-4000
TTY: 1-800-559-6820
Fax: 202-419-0734
ASL Video: 844-234-5122

2. Massachusetts Commission Against Discrimination (MCAD)

Boston Office:

One Ashburton Place
Suite 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196
Fax: 617-994-6024
Email: assistanttochairman@state.ma.us

Springfield Office:

436 Dwight Street
Suite 220
Springfield, MA 01103
Phone: 413-739-2145
Fax: 413-784-1056
Email: assistanttochairman@state.ma.us

Worcester Office:

484 Main Street
Room 320
Worcester, MA 01608
Phone: 508-453-9630
Fax: 508-755-3861
Email: assistanttochairman@state.ma.us

New Bedford Office:

800 Purchase Street
Room 501
New Bedford, MA 02740
Phone: 508-990-2390
Fax: 508-990-4260
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

28

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: ~~September 5, 2017~~