

**Franklin Public Schools
Franklin, Massachusetts 02038**

Action Required

Subject: Policy – 2nd Reading/Adoption

Date: November 11, 2020

Dept: School Committee

Reason: Required Vote

Enclosure: yes

Recommendation:

Policy - 2nd Reading/Adoption

I recommend adoption of the following policies as discussed:

- AC - Nondiscrimination
- ACAB - Harassment
- ACAB-R1 - Grievance Procedure for Complaints of Harassment and Discrimination
- ACAB-R2 - Grievance Procedure for Complaints of Sexual Harassment Under Title IX of the Education Amendments of 1972
- JQA - Financial Assistance

Action Requested of the School Committee:

Majority vote of the School Committee is required.

<u>Vote Tabulator</u>	
A Bergen:	Y / N T Keenan: Y / N
J D'Angelo:	Y / N M J Scofield: Y / N
J Pond-Pfeffer:	Y / N D Spencer: Y / N
E Stokes:	Y / N Action: _____

NONDISCRIMINATION

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The Franklin Public School District will do its part. This commitment to the community is affirmed by the following statements that the Franklin School Committee intends to:

1. Promote all individuals' rights and responsibilities as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth, and adults, all of whom have differing personal and family characteristics and come from various socioeconomic, racial, and ethnic groups.
3. Work toward a more integrated society and enlist the support of individuals and groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing the school district's policies and practices to achieve this statement's objectives to the greatest extent possible.

The Franklin School Committee's nondiscrimination policy will extend to students, staff, the general public, and individuals with whom it does business. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, pregnancy or pregnancy-related condition.

If an individual has a complaint or feels that they have been discriminated against because of their race, color, creed, religion, ancestry, national origin, sex, gender identity or expression, sexual orientation, marital status, genetic information, disability, pregnancy, or a related condition, veteran status, age, or homelessness, their complaint should be registered with the Title IX Coordinator at each school. The Title IX Coordinator will then inform the District Title IX Coordinator, Mr. Lucas Giguere, Assistant Superintendent of Schools 355 East Central Street; Suite 3, Franklin, MA 02038.

Additionally, a student who believes that they are the victim of discrimination or harassment may also report the matter to a teacher, counselor, or administrator who will notify the Building Principal in the school or directly to the Building Principal. All employees of the Franklin Public Schools must respond to suspected discrimination or harassment and to complaints by students of discrimination or harassment by notifying the Building Principal or their designee. Employees are expected to take every report of discrimination seriously and to understand the reporting procedures.

For information regarding the District’s prohibition of harassment and those grievance procedures available to students or staff who believe they have been subject to discrimination or harassment in violation of this Policy or state and federal law, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and Massachusetts General Laws, Chapter 151B, please refer to Policy ACAB- Harassment and supporting regulations ACAB-R1 and ACAB-R2.

SOURCE: MASC

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

M.G.L. [71B:1](#) et seq. (Chapter 766 of the Acts of 1972)

M.G.L. [76:5](#); Amended 2011

M.G.L. [76:16](#)

BESE regulations 603CMR [26:00](#) Amended 2012

BESE regulations 603CMR [28.00](#)

CROSS REFS.: ACAB, Harassment

ACAB-R1, Grievance Procedure for Complaints of Harassment and Discrimination

ACAB-R2, Grievance Procedure for Complaints of Sexual Harassment under Title IX of the Education Amendments of 1972

[GBA](#), Equal Employment Opportunity

[JB](#), Equal Educational Opportunities

UPDATED: June 2012

To School Committee for Second Reading/Adoption: 11/10/2020

HARASSMENT

Harassment of students by other students, employees, vendors, and other third parties will not be tolerated in the Franklin Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school-owned or substantially controlled the premises, exercised oversight, supervision, or discipline over the location of participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property, or property within the school District's jurisdiction such as school buses, or attending or engaging in school-sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment based upon race, color, creed, religion, ancestry, national origin, sex, gender identity or expression, sexual orientation, marital status, genetic information, disability, pregnancy, or a related condition, veteran status, age, or homelessness. Students whose behavior is found to violate this policy will be subject to disciplinary action, including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb, or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student-to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb, or trouble students when:

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment, as described above, may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter;
- Demeaning jokes, stories, or activities directed at the student;

Student-to-Employees Harassment means conduct of a written, verbal, or physical nature by a student that is designed to embarrass, distress, agitate, disturb, or trouble an employee which creates a hostile work environment.

By law, what constitutes harassment is determined from a reasonable person's perspective regarding the harassment's characteristics. Individuals should consider how others might reasonably view their words and actions.

The District will promptly and reasonably investigate allegations of harassment in coordination with the building-designated Title IX Coordinator and the District Title IX Coordinator.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report suspected child abuse cases, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement.

Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

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

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

1. A presumption of innocence throughout the grievance process, with the burden of proof on the school;

2. A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
3. Application of a preponderance of evidence standard;
4. The opportunity to test the credibility of parties and witnesses through cross-examination subject to “rape shield” protections and may generally not be asked about their prior sexual behavior or history;
5. Written notice of allegations and an equal opportunity to review the evidence;
6. Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
7. Equal opportunity for parties to appeal;
8. Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. The parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying the preponderance of the evidence standard.

The District may establish an informal investigation process that may be followed by a formal process upon the request of the complainant. As long as the process is voluntary for all parties, after being fully informed and both parties provide written consent, a school may facilitate informal resolution of a sexual complaint.

In consultation with the Title IX coordinator, the Superintendent shall designate each school principal in the district or their designee [or some other appropriate employee(s)] as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigator may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school’s response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Franklin Public School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

The Massachusetts Commission Against Discrimination ("MCAD")
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

The U.S. Department of Education, Office for Civil Rights
5 Post Office Square 8th Floor
Boston, MA 02109-3921
(617) 289-0111

Massachusetts Department of Elementary & Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
(781) 388-3000

The U.S. Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

For information regarding the Grievance Process for non-Title IX complaints of harassment and/or discrimination, please refer to regulation ACAB-R1.

For information regarding the Grievance Process for complaints of discrimination on basis of sex or sexual harassment under Title IX of the Education Amendments of 1972, please refer to regulation ACAB-R2.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC July 2020

To School Committee for Second Reading/Adoption: 11/10/2020

GRIEVANCE PROCEDURE FOR COMPLAINTS OF HARASSMENT AND DISCRIMINATION

The following grievance procedures apply to all non-Title IX complaints made by students or staff of discrimination or harassment in accordance with School Committee Policies AC and ACAB.

All grievances shall be processed in a fair, expeditious and confidential manner. When a complaint of discrimination or harassment is made, the following investigative and appeal procedures will be followed:

I. Investigation and Response

A. Reporting

Complaints may be made verbally or in writing to the school administrator, who has authority to investigate all grievances. Complaints should be made promptly, within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

Additionally, a student who believes that they is the victim of discrimination or harassment may also report the matter to a teacher, counselor, or administrator who in turn will notify the Building Principal in the school, or to the Building Principal directly. All employees of the Franklin Public Schools must respond to suspected discrimination or harassment and to complaints by students of discrimination or harassment by notifying the Building Principal or their designee. Employees are expected to take every report of discrimination seriously and to understand the reporting procedures.

B. Investigation

All complaints will be thoroughly investigated and interim supportive measures will be provided, as determined appropriate. Both the complainant and the subject of the complaint will be interviewed and given a full opportunity to state their case through the presentation of witnesses and other evidence. Witnesses and other persons relevant to the complaint, if any, will also be interviewed. A record will be kept of each investigation.

The complaints will be investigated within a reasonable time, usually not to exceed thirty (30) school days after the complaint has been received. When more than thirty (30) school days are required for the investigation, the Coordinator or their designee shall inform the employee or student who filed the complaint that the investigation is still ongoing. Both the complainant and the subject of the complaint will be informed of the result of the investigation, in writing in a manner consistent with federal and state law.

C. Response

If the complaint is substantiated, the Coordinator will refer the matter to the proper supervisor or administrator for appropriate responsive measures, including but not limited to disciplinary action. For students, discipline will be imposed consistent with the student code of conduct and state laws and regulations. Discipline of school staff will be consistent with collective bargaining procedures, if applicable, and may include reprimand, suspension from employment, or employment termination. Responsive measures will include any steps necessary to prevent the recurrence of any discrimination and/or harassment and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate.

In certain cases, harassment and, in particular, sexual harassment of a student may constitute child abuse under Massachusetts law. The Franklin Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse. The Franklin Public Schools will also report instances of harassment that may involve a crime in a manner consistent with the MOU between the Franklin Public Schools and the Franklin Police Department.

II. Appeal

In the event a complainant or subject of a complainant disputes the results of the investigation or resolution, they may further appeal to the Superintendent within ten (10) school days of the Coordinator's decision. Any request for appeal shall be made in writing.

The Superintendent shall meet with the parties to hear the appeal, and shall review the records of the investigation. The Superintendent shall issue a decision within ten (10) days of the hearing. The Superintendent's decision shall be final.

Nothing in this policy or procedure shall be deemed to affect a grievant's right to other remedies at law, including administrative appeals or lawsuits. Administrative agencies with jurisdiction in these matters include:

The Massachusetts Commission Against Discrimination ("MCAD")
One Ashburton Place, Room 601
Boston, MA 02108
(617) 727-3990

The U.S. Department of Education, Office for Civil Rights
5 Post Office Square 8th Floor
Boston, MA 02109-3921
(617) 289-0111

Massachusetts Department of Elementary & Secondary Education
75 Pleasant Street

Malden, MA 02148-4906
(781) 388-3000

The U.S. Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

To School Committee for 2nd Reading/Adoption 11-10-2020

GRIEVANCE PROCEDURE FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

The following grievance procedures apply to all complaints made by students or staff of sexual harassment, sexual assault or sexual violence under Title IX of the Education Amendments of 1972 and in accordance with School Committee Policy ACAB.

I. Reporting of Sexual Harassment Complaints

A. How to Report a Complaint of Sexual Harassment

Students and employees who believe they have experienced or witnessed sexual harassment should notify the building-designated Title IX Coordinator, who will notify the District's designated Title IX Coordinator, Mr. Lucas Giguere, Assistant Superintendent of Schools. If the complaint concerns allegations against the Title IX Coordinator, then the complaint should be filed with the Superintendent or designee.

Employees who witness sexual harassment or have a reasonable belief that it is occurring, are required to report it immediately to the Title IX Coordinator.

Reports of sexual harassment may also be made by employees to their direct supervisor and by students to a teacher, counselor, school nurse or building administrator, who shall immediately bring such report to the attention of the Title IX Coordinator.

The complaint may be filed by the alleged by the victim or any other party. Any person filing a complaint is encouraged to do so within a short time after the occurrence giving rise to the complaint, to assure a prompt investigation and fair resolution.

B. Handling of Sexual Harassment Complaints

All complaints shall be processed in a fair, expeditious and confidential manner. The Title IX Coordinator is responsible for overseeing the complaint response, including implementation of supportive measures and the grievance/appeal process. In doing so, the Title IX Coordinator may delegate certain duties to a designee. Complaints can be investigated by a building administrator, district-level staff member, or the Title IX Coordinator. The decision-maker must be a separate individual from the investigator. The Title IX Coordinator (or designee), investigator and decision maker shall not have a conflict of interest or bias. All Title IX personnel shall receive appropriate training in accordance with Section VIII below.

II. Supportive Measures and Filing of a Formal Complaint

A. Supportive Measures

The District must investigate sexual harassment allegations in any formal complaint. Once a report of sexual harassment has been received, the Title IX Coordinator or designee will promptly contact the alleged victim (the "Complainant") to

discuss the availability of supportive measures and consider the Complainant's wishes with respect to supportive measures. The District must inform the Complainant of the availability of supportive measures with or without filing a formal complaint, and explain to the Complainant the process for filing a formal complaint. Supportive measures shall also be offered to the Respondent as necessary to ensure continued and equal access to the education program and/or activity during any investigation.

"Supportive measures" are individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures must be offered to both the Complainant and the Respondent, and may include, but not be limited to" no contact orders, change of class schedules, modifications of assignments/work, leaves of absence, increased security and monitoring of certain areas of the campus, and other appropriate measures.

In addition to the above supportive measures, the District, in its discretion, may consider the emergency removal of a student in accordance with applicable student discipline regulations. The District may place an employee on paid administrative leave during the course of an investigation of sexual harassment allegations against said employee as determined appropriate and consistent with any applicable collective bargaining agreement.

B. Filing a Formal Complaint

A formal complaint may be filed in writing by the Complainant or presented verbally and put into writing and signed by the Title IX Coordinator or designee. The District will respect the wishes of the Complainant with respect to whether the District investigates a report of sexual harassment, unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.

C. Contents of a Formal Complaint

A formal complaint is signed by a Complainant or the Title IX Coordinator or designee alleging sexual harassment against a Respondent and requesting that the District investigate sexual harassment allegations. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District. A formal complaint may be filed with the Title IX Coordinator or designee in person, by mail, or by electronic mail, by using the contact information set forth herein.

The District must investigate sexual harassment allegations in any formal complaint. If the allegations in the formal complaint do not meet the definition of sexual harassment as set forth under Title IX, or did not occur in the District's education program or activity, the District must dismiss such allegations for the purposes of Title IX, but may still address the allegations in any manner that the District deems appropriate consistent with its policies, procedures and code of conduct, including but not limited to its anti-bullying policies and plan

III. Informal or Formal Resolution of Complaint

The District must offer the Complainant a formal resolution process and may offer an informal resolution process.

A. Informal Resolution Process

The informal resolution process shall be offered and implemented at the election of the Complainant and only after receipt of voluntary, informed, written consent of both the Complainant and the Respondent. The Complainant may elect informal resolution of a complaint at any time prior to a final determination by the decision maker. This may include conciliation and/or mediation by an individual trained to conduct such processes. At any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and resume the formal complaint grievance process.

The District shall not offer an informal resolution process when a student alleges sexual harassment by staff.

B. Formal Resolution Process

The formal complaint process will comply with the grievance procedures outlined below.

IV. Grievance Procedure

In accordance with Title IX and its supporting regulations, the District shall implement the following process when investigating formal complaints of sexual harassment:

- A. The Complainant and Respondent will be treated equally throughout the investigation process and be provided with written notice of the allegation (including sufficient details known at the time and with sufficient time to prepare a response before any initial interview), the grievance process, the range of possible remedies the District may provide a Complainant and disciplinary sanctions the District might impose on a respondent, following determinations of responsibility. Both parties have the right to have a representative/advisor participate in the process on their behalf.
- B. Any interim supportive measures, as appropriate, will be offered to both parties.
- C. The investigator will conduct an objective evaluation of all available evidence. This shall include an interview of both the Complainant and the Respondent, during which each party shall have a full opportunity to state their case through the presentation of witnesses and other evidence. Witnesses and other persons relevant to the complaint, if any, may also be interviewed. Please note that, during the investigation, rape shield protections apply to the Complainant and Complainants may generally not be asked about their prior sexual behavior or history.
- D. During the investigation process, the parties shall not be prohibited from discussing the complaint or collecting evidence.

- E.** The investigation shall be completed in a reasonable time frame within thirty (30) school days except for good cause. Good cause may include, but not limited to, unavailability of a party, concurrent pending law enforcement investigation, need for interpreter and/or accommodation of any party or witnesses' disability.
- F.** During the investigation, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
- G.** The investigator will make findings based on a preponderance of the evidence standard.
- H.** The investigator will not request or solicit information from any party or witness that constitutes disclosure of information that is protected under a legally recognized privilege, unless the holder of the privilege voluntarily waives it.
- I.** Prior to the conclusion of the investigation, the Complainant and Respondent will both be provided a copy of the investigation report and an opportunity to submit any additional information in a timely manner they would like considered by the investigator before their report is finalized. Both parties shall be provided the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- J.** Once the investigation has been completed, the investigator will submit their investigation report, with recommendations to the decision maker. The Complainant and Respondent shall also be advised, in writing, of the investigator's report.
- K.** The decision maker will review the investigation report and hold a disciplinary hearing with the Respondent, in accordance with applicable procedures (for student or employee).
- L.** The decision maker will advise both parties of the final determination and any related remedial/responsive measures in a manner that complies with applicable laws regarding student confidentiality and appeal rights. The Respondent will be notified of any disciplinary action and other remedial measures, if the complaint is substantiated. Notice of such final determination will be made in writing and sent simultaneously to the parties along with information about how to file an appeal.

V. Disciplinary Action

If a complaint is substantiated, the District will act promptly to eliminate the behavior and will refer the matter to the proper supervisor or administrator for appropriate responsive measures, including but not limited to disciplinary action and restoring a sense of safety for the Complainant. For students, discipline will be imposed consistent with the Code of Conduct and Massachusetts Student Discipline Law.

Discipline of employees will be consistent with collective bargaining procedures, if applicable, and may include disciplinary action up to and including dismissal.

Responsive measures will also include any steps necessary to prevent the recurrence of any discrimination and/or harassment and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate.

VI. Retaliation Prohibited

Retaliation in any form against any person because of or related to a sexual harassment or retaliation complaint, or because of or related to cooperation with an investigation of a sexual harassment or retaliation complaint, is unlawful and prohibited. Retaliation is also prohibited against any individual that participates or chooses not to participate in the grievance process.

If retaliation occurs, it could be considered grounds for discipline, up to and including suspension and/or discharge for employee(s), and appropriate disciplinary action for students.

VII. Appeal Procedure

Both parties have the right to appeal the decision maker's determination to the Superintendent or designee. Any appeal should be submitted in writing to the Superintendent within ten (10) calendar days of receipt of the final determination.

The Superintendent or designee in reviewing the appeal may consider the following factors:

- A. Was there any procedural irregularity with the investigation process?
- B. Is there any new evidence not reasonably available at the time of the investigation?
- C. Did the Title IX Coordinator, investigator or decision maker have a conflict of interest or bias that affected the outcome of the investigation?

The decision of the appeal process is final and is not subject to further review by the School Committee.

VIII. Training Requirements

All Title IX personnel including Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process shall receive training as required by Title IX and its supporting regulations. All training materials shall be made available to the public for inspection upon request.

To School Committee for 2nd Reading/Adoption 11/10/2020

FINANCIAL ASSISTANCE POLICY

While the Franklin School Committee has found it necessary to institute fees for various school programs and activities, the Committee strongly believes that all students should have the opportunity to participate in curricular and extracurricular activities regardless of economic circumstances. As a result, financial assistance for school-related fees is made available to students who qualify through the centralized application process. The goals of this application process are:

- 1) To establish an objective financial assistance program for all students and families;
- 2) To allow families a single point of contact and status determination within the School District;
- 3) To adhere to a standard of confidentiality throughout the District;
- 4) To avoid any violation of the USDA School Lunch program by using Free and Reduced Lunch applications without authorization to determine eligibility for assistance for programs other than Food Services and Transportation.

NOTE: Students who qualify for Free/Reduced Lunch status may complete an *Information Sharing Agreement* with the District to authorize FPS to use a student's Free/Reduced status for waivers of school program fees except preschool. Families seeking financial assistance for preschool tuition must complete this application. Families who sign the *Information Sharing Agreement* **do not** have to complete this application in order to receive financial assistance. Under Massachusetts General Law, a student who qualifies for a Free or Reduced lunch automatically qualifies for a waiver of the transportation fee.

Financial assistance is offered system wide to eligible families and covers certain district-level program fees (transportation, athletics, extracurricular fees, and preschool tuitions.) While financial assistance may be granted according to income guidelines, a minimum non-refundable registration or participation fee may be required for fee-based activities and programs. Additionally, financial assistance for preschool tuition will be capped at the discretion of the Superintendent in consultation with the School Committee and based on the budgetary impact for the fiscal year as well as programmatic expenses and space availability.

The amount of financial assistance that a family may qualify for is based on the total household income as it relates to the Federal Poverty Guideline in any given year. The following table is how the amount of financial assistance is determined:

Household Income Relative to Federal Poverty Guideline	Determination Status	Family Will Pay:
At or below 1.3 times the Poverty Guideline	90% fee reduction for preschool only	10% of the preschool program fee

1.5 times the Poverty Guideline	75% fee reduction	25% of the program fee
2 times the Poverty Guideline	50% fee reduction	50% of the program fee
2.5 times the Poverty Guideline	25% fee reduction	75% of the program fee

The district's Financial Assistance Program is based on the US Department of Health and Human Services Poverty Guidelines. The US Department of Agriculture also uses these guidelines to determine the Free and Reduced Lunch eligible income levels. The district expanded the poverty level by a multiplier to better match Franklin's income level and assist families whose income is greater than those established by the Free and Reduced Lunch Guidelines. To access the Federal Poverty Guidelines, click on the following link:

<https://aspe.hhs.gov/poverty-guidelines>

To access the Financial Assistance Application, please go to the Franklin Public Schools website and click on the ***Financial Assistance Information*** link. ([HERE](#))

Exclusions:

This Franklin Public Schools Financial Assistance Program does not include:

- Tuition-based programs other than Preschool. (ie. Solutions, Music Academy, Summer programs, Summer Athletics, etc.).
- Student clubs and activities that have additional fees such as ski club, class dances, senior week activities, yearbook purchases, and athletic wear (other than uniforms), etc.
- Student travel programs, including overnight trips. (Curricular field trips that take place during the school day in conjunction with classroom instruction shall be at no cost to students/families.)
- PSAT, SAT, AP Exams and other fees charged by outside organizations.
- Fines for lost or damaged books, IDs, chromebooks, **chromebook insurance**, or other fines.

Financial assistance for school-level expenses may be available for the above programs.

Financial assistance at the building level is at the sole discretion of the school Principal/Program Director based on (1) eligibility determined by the Business Office and (2) the availability of funds, which are typically limited. Parents must check with the Principal/Program Director on the availability of funds for each fee reduction or waiver request.

To School Committee for 2nd Reading/Adoption: 11/10/2020