

2020-2021

Civil Rights Handbook for Employees



DARTMOUTH PUBLIC
SCHOOLS
8 BUSH STREET
DARTMOUTH, MA 02748
508 997 3391

This handbook is designed to serve as an educational resource guide for matters relating to Civil Rights for School Employees and Mandated Reporting Requirements.

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NON-DISCRIMINATION POLICY: AC

Dartmouth School Committee

The school system shall establish and maintain an atmosphere in which all persons can develop attitudes and skills for effective cooperative living in our culturally-diverse society. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals 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 who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as 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 decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination 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 student of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness, genetic information, military status, pregnancy or pregnancy related condition. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation, disability, homelessness, genetic information, military status, pregnancy or pregnancy related condition, their complaint should be registered with the Title IX compliance officer.

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 of 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
Board of Education Chapter 622 Regulations Pertaining to Access to Equal Education Opportunity, adopted 6/24/75, as amended 10/24/78;
BESE Regulations 603 CMR 26:00 Amended 2012;
BESE Regulations 603 CMR 28:00;
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78
Title II, Americans with Disabilities Act of 1992

SEXUAL HARASSMENT POLICY: ACAB Dartmouth School Committee

All persons associated with the Dartmouth Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting, as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

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

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

Definition of Sexual Harassment

Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

The Grievance Officer:

Ms. Michelle Roy, Assistant Superintendent of Schools

Mr. James Kiely, Assistant Superintendent of Finance and Operations

8 Bush Street, Dartmouth, MA (508-997-3391)

The superintendent will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

Complaint Procedure:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident(s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
 - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
 - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
 - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
 - d. On the basis of the grievance officer's perception of the situation, he/she may:
 - i. Attempt to resolve the matter informally through reconciliation.
 - ii. Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the Committee for termination or expulsion. At this stage of the proceedings, the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.
4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

SOURCE: MASC

LEGAL REFS.:

Title VII, Section 703, Civil Rights Act of 1964 as amended 45

Federal Regulation 74676 issued by EEO Commission

Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)

Board of Education 603 CMR 26:00

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC—180 days; MCAD 6 months).

1. United States Equal Employment Opportunity Commission (EEOC)
10 Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

2. Massachusetts Commission Against
Discrimination (MCAD)

Boston Office: One Ashburton Place
Room 601
Boston, MA 02108
(617) 727-3990

Springfield Office: 424 Dwight Street
Room 220
Springfield, MA 01103
(413) 739-2145

Related District Policies

Drug Free Workplace Policy	GBEC
Student Welfare	JL
Professional Staff Hiring	GCF
Physical Restraint of Students	JKAA

* Copies of the district policy manual are located on the district website.

Federal and State Laws Relating to Civil Rights Issues

The laws cited below applies to employment opportunities, access to programs and activities, and providing a harassment-free atmosphere.

Federal laws:

- Title VI of the Civil Rights Act of 1964—Prohibits discrimination on the basis of race, color, or national origin.
- EEOA: The Equal Educational Opportunities Act of 1974—Prohibits denial of equal opportunity in the public school on the basis of race, color, sex, gender identity or national origin.
- Title IX of the Education Amendments of 1972—Prohibits exclusion on the basis of sex, from participation in, denial of benefits of, or discrimination under any education program or activity receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973—No otherwise qualified, handicapped individual shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- Americans with Disabilities Act of 1992—Prohibits discrimination on the basis of disability in employment; mandates access to programs and buildings, and provides for “reasonable accommodations.”
- IDEA: The Individuals with Disabilities Act of 1997: Governs special education.

State laws:

- MA Constitution Amendment Article 114: Article CXIV of the Amendments to the MA Constitution—Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in any program or activity in the Commonwealth.
- MA General Laws, Chapter 71, Section 37G—Provides for the use of reasonable force to protect pupils and school personnel from assault by a pupil (physical restraint legislation).
- MA General Laws Chapter 71A—Governs the education of English Language Learners.
- Chapter 76 of the General Laws (Chapter 622 of the Acts of 1971 and Chapter 282 of the Acts of 1993)—Prohibits exclusion from or discrimination against individuals in admission to a public school of any town, or in obtaining the advantages, privileges, and courses of student of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation. (governance of school attendance)

Responsibilities of the School District in Protecting Civil Rights

To:

- Foster a harassment-free workplace
- Provide staff training
- Follow Dartmouth Public School Policies

Responsibilities of the Employee

To:

- Participate in encouraging an atmosphere free from discrimination or harassment.
- Make your feelings clear and ask that the behavior stop if you are harassed.
- Report known or alleged violations using district procedures.

*Note: Individual Liability for Sexual Harassment— “It is unlawful for any person to aid, abet, incite, compel or coerce someone into doing any of the acts forbidden in the law in relation to harassment. Inaction by an employee may, under certain circumstances give rise to individual liability under MA Law. (Source: MCAD Sexual Harassment Guidelines)

To Report a Complaint:

- Contact your principal or supervisor OR
- **Contact Ms. Roy or Mr. Kiely, your District Civil Rights Coordinators (508-997-3391).**

What Happens once a Complaint is Made?

The district follows a fair, confidential and prompt complaint process.

* Note: Retaliation is prohibited.

Other Mandated Responsibilities for School Employees

- School employees are mandated reporters of child abuse/neglect under 51A.

Dartmouth Public Schools
8 Bush Street
Dartmouth, Massachusetts 02748
508-997-3391

District Civil Rights Coordinators

Ms. Michelle Roy, Assistant Superintendent of Schools
Mr. James Kiely, Assistant Superintendent of Finance and Operations

Building Civil Rights Coordinators

Elementary
Cushman School
Dr. Justine Dale

DeMello School
Catherine Pavao

Potter School
Richard Porter
Melissa McHenry

Quinn School
Kyle Grandfield
Audra Thomas

DMS
Darren Doane
Sarah Decas

DHS
Ross Thibault
Rachel Chavier



Dartmouth Public Schools

8 Bush Street, Dartmouth, MA 02748
Phone: 508-997-3391 Fax: 508-991-4184

TO: Staff Members
FROM: Dr. Bonny Gifford, Superintendent of Schools
RE: Sexual Harassment Acknowledgment for 2020-2021 School Year

In accordance with the Massachusetts State Law, employees must receive a copy of the Sexual Harassment Policy. This policy has been included in the Employee Civil Rights Handbook.

You are required to acknowledge receipt of this handbook. Please sign the acknowledgment form below and return this sheet to your building principal within one week from the training. The main office will forward the acknowledgment forms to the Superintendent's office.

If you have any questions, feel free to contact your building principal or my office at 508-997-3391 x 1110.

Thank you.

ACKNOWLEDGMENT

I acknowledge receipt of the Dartmouth Public Schools' Civil Rights Handbook and that I have read its contents.

Employee's Printed Name _____ School _____

Employee's Signature _____ Date _____