

CAMBRIDGE SCHOOL DEPARTMENT'S NON-DISCRIMINATION POLICY

I. Introduction

The City of Cambridge School Department, otherwise known as the Cambridge Public Schools (the "School Department" or "CPS") has a commitment to maintaining an educational environment and workplace where bigotry and intolerance, including discrimination are not tolerated. Discrimination and harassment consists of harmful unwelcome conduct that is based on a characteristic protected by law, such as race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, or pregnancy-related condition. The CPS strictly enforces a prohibition against discrimination of any of its employees, students, students' parents/guardians/caregivers or visitors by anyone, including any fellow student, teacher, supervisor, co-worker, vendor, or other third party, as such conduct is contrary to the mission of the CPS and its commitment to equal opportunity in education and employment.

The CPS will not tolerate discrimination that affects employment or educational conditions that interferes unreasonably with an individual's school or work performance, or that creates an intimidating, hostile, or offensive work or school environment. Any retaliation against an individual who has complained about discrimination or any retaliation against any individual who has cooperated with an investigation of a discrimination complaint will not be tolerated.

The CPS takes allegations of discrimination seriously and will respond promptly to complaints. Where it is determined that discrimination has occurred, the CPS will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include termination of employment or school-related discipline.

II. Definitions

"Complainant" is defined as the individual who has filed a complaint of discrimination within the CPS.

"Discrimination" is defined as harmful conduct that is based on race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, gender expression, sexual orientation, pregnancy, or pregnancy-related condition. Discrimination includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from employment or a program or activity of the CPS; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Many forms of discrimination have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, Title VI and Title IX) by federal courts, state courts, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education, Office for Civil Rights and the Massachusetts Commission Against Discrimination.

The above definition of discrimination is broad. In addition to the above examples, other conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile, offensive, intimidating, or humiliating will be considered discrimination.

“Investigator” is defined as the CPS Director of Diversity Development or the Chief Talent Officer of the CPS Office of Human Resources.

“Resolution” is defined as the result of a discrimination complaint investigation established by this policy.

“School” is defined as CPS-supported on-line and/or digital platforms, CPS school-sponsored social events, trips, sports events, work-related travel or similar events connected with the CPS school or employment, including without limitation, extracurricular and athletic activities and programs, traveling to and from the CPS school or on a CPS school-sponsored field trip.

“Witness” is defined as the individual or office that receives a complaint of discrimination within CPS.

III. Reporting Complaints of Discrimination and Harassment

If any CPS student or employee believes, in good faith, that they have been subjected to any form of harassment or discrimination, the individual has a right to file a complaint and seek resolution. If any CPS student or employee wishes to file a complaint and seek resolution, they may do so by contacting their immediate supervisor, the Chief Talent Officer or the Director of Diversity Development—in the case of employees; and their teacher, Principal, Assistant Principal, Dean, Assistant Superintendent for Elementary Education or Assistant Superintendent for Secondary Education—in the case of students. This may be done verbally or in writing.

Teachers or other staff members who observe incidents of discrimination involving students shall report such incidents immediately to the student’s Principal, Head of Upper School, Assistant Principal or Dean. Administrators aware of harassment involving any employee shall report such incidents to the Director of Diversity Development or the Chief Talent Officer.

No reprisals or retaliation shall be invoked against any CPS employee or student for processing, in good faith, a complaint, or for participating in any way in these complaint procedures. 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 the complaint procedures established by this policy.

IV. Complaint Investigation

When the CPS receives a complaint of discrimination, it will investigate the allegation in a fair and expeditious manner. If the complaint involves conduct that occurred off school, as school is defined in Section II, the CPS will, as part of its investigation, consider the effects of the off school conduct when evaluating whether there is a hostile environment in school. 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 is under the age of 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 CPS believes would be useful to the investigation. The CPS also will interview the person alleged to have committed the discrimination. Whenever possible, interviews should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs. When the CPS has concluded its investigation, the CPS 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.

The investigation procedures are designed to promote the sensitive handling of employee and student issues, the thorough investigation of complaints, to facilitate a prompt and expeditious internal review, and to reach a fair and equitable resolution of complaints alleging discrimination as defined in Section II. A CPS employee or student may select any of the routes identified above in Section III or identified below in this Section IV to file a complaint of discrimination. CPS employees and students may seek advice from appropriate individuals within their school or administrative office or from the CPS Director of Diversity Development or the Office of Human Resources without being required to file a complaint.

Complaint Investigation Procedure

The complainant shall file a written complaint 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 written complaint, the witness shall promptly give written notification to the appropriate school and/or department identified in the complaint. The investigator will conduct the necessary investigation promptly after receiving the complaint. In the course of their investigation, the investigator 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 investigator 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 investigator, 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 investigator shall inform the complainant, in writing, that the investigation is still on-going and shall confirm receipt of notice of said extension.

After completing the investigation of the complaint, the investigator may 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 investigation's findings. The purpose of said meeting shall be 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 investigator 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 investigator will strive to reach a determination of responsibility within thirty (30) working days. When more than thirty (30) working days is required to reach a determination, the investigator shall inform the complainant and the individual against whom the complaint was filed and/or the principal/head of upper school or appropriate authority involved, in writing, that additional time is needed for the determination process. The investigator shall confirm receipt of notice of said extension.

If the investigator finds that there is reasonable cause, based upon a preponderance of the evidence (i.e., more likely than not), for believing that a discriminatory practice has occurred, the investigator will refer the matter to the Chief Talent Officer or Director of Diversity Development CPS – if not the acting investigator – or to the City of Cambridge Superintendent of Schools (the “Superintendent”) for appropriate action, up to and including termination for employees or expulsion for students. The investigator will notify, in writing, both the complainant and the individual against whom the complaint was filed of the outcome of the investigation.

If it is determined that discriminatory conduct has been committed by a CPS employee or student, the CPS shall take action that is appropriate under the circumstances as defined in Section V.

Section V. Disciplinary Measures

If it is determined that discriminatory conduct has been committed by a CPS employee or student, the CPS shall take action that is appropriate under the circumstances. Such action shall include, but not be limited to, counseling, restorative practices, or termination of employment—in the case of employees—or expulsion—in the case of students. While these measures relate to the heretofore established CPS policy of promoting a workplace and educational setting free from discrimination, these procedures are not designed nor intended to limit the CPS’ authority to discipline or take remedial action for workplace and educational conduct which the CPS deems unacceptable.

Section VI. CPS Conflict Resolution Measures

Additionally, the Cambridge Public Schools has a conflict mediation program which individuals may access for the resolution for matters or conflicts during or outside of the resolution processes detailed above.

Section VII. Resolution Appeal

If the complainant has entered into a complaint process and is not satisfied with the resolution, they may appeal the resolution for the Superintendent’s review. The appeal submitted to the Superintendent shall state the grievance, including the specifics relating to the discriminatory or practice that has occurred and shall include a brief statement of the facts and specific request for relief. The Superintendent 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 investigation that has been conducted by the school district with respect to the matter.

The Superintendent will strive to complete the resolution of the appeal within ten (10) working days. When more than ten (10) working days is required for the investigation and resolution process, the Superintendent 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. The Superintendent shall confirm receipt of notice of said extension.

If the Superintendent finds that there is reasonable cause, based upon a preponderance of the evidence (i.e., more likely than not), for believing that a discriminatory practice has occurred, the Superintendent will take appropriate action, up to and including termination for CPS employees or expulsion for CPS students. The Superintendent will notify, in writing, both the complainant and the individual against whom the complaint was filed of the outcome of the investigation.

Section VIII. State or Federal Remedies

Using the CPS's discrimination complaint process, as established by this policy, does not prohibit a complainant from filing a complaint with the relevant agencies described below.

For CPS 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; TTY: 1.800.877.8339
Email: OCR.Boston@ed.gov;

Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
Phone: 781.338.3700; Fax: 781.338.3710;
Email: compliance@doe.mass.edu;

Massachusetts Commission Against Discrimination (MCAD) at the addresses listed below; or other appropriate state or federal agency.

For CPS employees or applicants for employment, complaints may be taken to the:

Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place, Suite 601
Boston, Massachusetts 02108
Phone: 617.994.6000
Email: MCAD@mass.gov; or at any other MCAD office listed as follows:

Boston Headquarters
1 Ashburton Place, Suite 601
Boston, MA 02108
Phone: 617.994.6000

Worcester Office
484 Main Street, Room 320
Worcester, MA 01608
Phone: 508.453.9630.

Springfield Office
436 Dwight Street, Room 220
Springfield, MA 01103
Phone: 413.739.2145

or other appropriate state or federal agency, including the following:

U.S. Equal Employment Opportunity Commission
JFK Federal Building
15 New Sudbury Street, Room 475

Boston, MA 02203-0506

Phone: 1.800.669.4000, TTY: 1.800.669.6820, ASL Video Phone: 844.234.5122, Fax: 617.565.3196

Section IX. Sexual/Gender-Based Discrimination Procedures

All complaints of sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, and/or sexual misconduct will be processed in accordance with the procedures set forth in the Cambridge School Department's Title IX/Sexual Misconduct Policy.

CROSS REFS.: ACA & ACE Non-Discrimination subcategories
AC-R Uniform Grievance Procedures

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