

LEXINGTON PUBLIC SCHOOLS GRIEVANCE PROCEDURE

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I. WHERE TO FILE A COMPLAINT

Any student or employee who believes that the Lexington Public Schools has discriminated against or harassed her/him because of her/his race, color, national origin, sex, disability, or age in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint with the Director of Human Resources. If the Assistant Superintendent for Human Resources is the person who is alleged to have caused the discrimination or harassment, the complaint may be filed with the Asst. Superintendent for Finance and Business, or the Deputy Superintendent for Curriculum. These individuals are listed below and are hereinafter referred to as "Grievance Administrators."

Robert Harris, Asst. Superintendent for Human Resources
telephone (781) 861-2580

Mary Ellen Normen Dunn, Asst. Superintendent for Finance and Business
telephone (781) 861-2580

Carol Pilarski, Assistant Superintendent for K-12 Curriculum
telephone (781) 861-2580

Lexington Public Schools
146 Maple Street
Lexington, Massachusetts 02420

COMPLAINTS OF HARASSMENT BY PEERS: In the event the complaint consists of a student's allegation that another student is harassing him/her based upon the above-referenced classifications, the student may, in the alternative, file the complaint with one of the complaint managers who have been designated in each school (hereinafter referred to as "Building Complaint"). The name of the Building Complaint Manager(s) is generally posted on the bulletin board in each school and may, in any event, be obtained from the office of the building principal.

COMPLAINTS OF DISCRIMINATION BASED UPON DISABILITY: A person who alleges discrimination on the basis of disability relative to the identification, evaluation, or educational placement of a person, who because of a handicap needs or is believed to need special instruction or related services, pursuant to Section 504 of the Rehabilitation Act of 1973, Chapter 766, and/or the Individuals with Disabilities Education Act, must use the procedure outlined in the Massachusetts Department of Education *Parents' Rights Brochure* rather than this Grievance Procedure.

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A copy of the brochure is available from the following individual:

Linda Chase, Director of Student Services
telephone (781) 861-2580
Lexington Public Schools
146 Maple Street
Lexington, Massachusetts 02420

A person with a complaint involving discrimination on the basis of a disability other than that described above may either use this Grievance Procedure or file the complaint with the U. S. Department of Education at the address provided at the end of this Grievance Procedure.

II. CONTENTS OF COMPLAINTS AND TIME LINES FOR FILING

Complaints under this Grievance Procedure must be filed within 30 school days of the alleged discrimination. The complaint must be in writing. The Grievance Administrator, Building Complaint Manager, or any person of the grievant's choosing may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name and school (or address and telephone number if not a student or employee) of the grievant.
2. The name (and address and telephone number if not a student or employee) of the grievant's representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment (respondent).
4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s) of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witnesses), as can be reasonably determined.
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

III. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

Respondents will be informed of the charges as soon as the Grievance Administrator or Building Complaint Manager deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Grievance Administrator or Building Complaint Manager will interview witnesses whom s/he deems necessary and appropriate to determine the facts relevant to the complaint, and will gather

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other relevant information. Such interviews and gathering of information will be completed within fifteen (15) school days of receiving the complaint.

Within twenty (20) school days of receiving the complaint, the Grievance Administrator or Building Complaint Manager will meet the grievant and/or her/his representative to review the information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect. Within ten (10) school days of the meeting with the grievant and/or representative, the Grievance Administrator or Building Complaint Manager will provide written disposition of the complaint to the grievant and/or representative and to the respondent(s).

Notwithstanding the above, it is understood that in the event a resolution contemplated by the Lexington Public Schools involves disciplinary action against an employee or a student, the complainant will not be informed of such disciplinary action unless it directly involves the complainant (i.e., a directive to “stay away” from the complainant, as might occur as a result of a complaint or harassment.)

Any disciplinary action imposed upon an employee or student is subject to applicable procedural requirements.

All the time lines specified above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation, in which case, the matter will be completed as quickly as practicable. If the timelines specified above are not met, the reason(s) for not meeting them must be clearly documented. In addition, it should be noted that in the event the respondent is subject to a collective bargaining agreement which sets forth a specific time line for notice and/or investigation of a complaint, such time lines will be followed.

Confidentiality of grievants/respondents and witnesses will be maintained, to the extent consistent with the Lexington Public Schools’ obligations relating to investigation of complaints and the due process rights of individuals affected.

Retaliation against someone because he/she has filed a complaint under this Grievance Procedure is strictly prohibited. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

IV. APPEALS

If the grievant is not satisfied with a disposition by a Building Complaint Manager, the grievant/representative may appeal the disposition to one of the Grievance Administrators, identified in Section I above. If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal to the Interim Superintendent, as follows:

Dr. Paul Ash, Superintendent
telephone (781) 861-2580
Lexington Public Schools
146 Maple Street
Lexington, Massachusetts 02420

The Grievance Administrator/Superintendent will issue a written response on the appeal to the grievant within ten (10) school days of receiving the appeal.

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Generally, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, JW McCormack POCH, Boston, Massachusetts 02109-4557, telephone (617)223-9662, TTY (617)223-9695 as follows:

1. within 180 calendar days of alleged discrimination or harassment, or
2. within 60 calendar days of receiving notice of Lexington Public School's final disposition on a complaint filed through Lexington Public Schools, or
3. within 60 calendar days of receiving a final decision by the Massachusetts Department of Education, Bureau of Special Education Appeals, or
4. instead of filing a complaint within Lexington Public Schools