

File: ACE - NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Newton School Committee and Newton Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, family members participating in school meetings or school sponsored activities, and parties contracted to perform work for the Newton Public Schools.

Newton Public Schools does not exclude from participation, deny the benefits of NPS from or otherwise discriminate against, individuals on the basis of *race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities, and provides equal access to all designated youth groups 1. Newton Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

NPS will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, NPS will act promptly to eliminate the conduct and will impose developmentally-appropriate disciplinary, restorative, and/or corrective action.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Nothing in this policy limits any other authority of the Newton School Committee or the Newton Public Schools. This policy does not limit the authority of Newton Public Schools under its Rights and Responsibilities Handbook or any other authority to discipline or take corrective action for educational and workplace conduct which the Newton Public Schools deems

unacceptable. This policy also does not limit the authority of the Newton Public Schools to take immediate interim disciplinary action as set forth in any applicable code or policy.

Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, 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 and/or harassment includes, but is not limited to:

- 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 described above to participate in or benefit from employment or a program or activity of NPS; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, that relates to an individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law, and that has the purpose or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment. Newton Public Schools will take the appropriate action against any member of the school community who is found in violation of this policy.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Newton Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

Resources

The Director of Human Resources is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Newton Public Schools, and can be reached at:

Director of Human Resources & Staffing
100 Walnut St.
Room 201
Newton, MA 02460
(617) 559-6005

The Assistant Superintendent for Student Services is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Newton Public Schools. In addition, the Assistant Superintendent for Student Services is the District 504 Coordinator, and can be reached at:

Assistant Superintendent for Student Services
100 Walnut St.
Room 320
Newton, MA 02460
(617) 559-6025

Inquiries concerning the Newton Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr.

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

No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)

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

Acts of 2022, Chapter 117 (*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.)

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CROSS REFERENCES

Protocol for Reporting and Investigating Discrimination, Harassment and Retaliation

[Protocol for Reporting and Investigating Sexual Harassment and Retaliation Pursuant to Title IX](#)

[NPS Diversity, Equity and Inclusion](#)

Revised: October 2022

File: GBA -EQUAL EMPLOYMENT OPPORTUNITY

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their *race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, military status, disability, pregnancy, or pregnancy related conditions. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

LEGAL REF.: M.G.L. 151B:4; Massachusetts Pregnant Workers Fairness Act,
Chapter 54 of the Acts of 2017;
BESE Regulations 603 CMR 26:00;

Acts of 2022, Chapter 117 (*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.)

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CROSS REF.: AC, Non-Discrimination Policy Including Harassment and Retaliation

REVISED OCTOBER 2022

File: GCF - PROFESSIONAL STAFF HIRING

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the notification of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all licensure requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to *race, color, religion, national origin, age, sex, gender identity, sexual orientation, age, genetic information, ancestry, military status, disability, pregnancy or pregnancy related conditions.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision. For those positions where the hiring authority rests with the School Committee, a representative screening committee may be established by the School Committee, or the School Committee may direct the Superintendent to establish a screening committee to assist the Superintendent in making his/her recommendation to the School Committee.

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45; Massachusetts Pregnant Workers Fairness Act, Chapter 54 of the Acts of 2017;

Massachusetts Board of Education Requirements for Certification of Teachers, Principals, Supervisors, Directors, Superintendents and Assistant Superintendents in the Public Schools of the Commonwealth of

Massachusetts, revised 1994
BESE Regulations 603 CMR 7:00, 26.00, and 44:00

Acts of 2022, Chapter 117 (*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.)

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CROSS REFS: AC, Non-Discrimination Policy, including Harassment and Retaliation

Revised October 2022,

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File: JB - EQUAL EDUCATIONAL OPPORTUNITIES

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their *race, color, religious creed, national origin, age, sex, gender identity, age, sexual orientation or physical and intellectual differences, homelessness, or ancestry.;

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law which prohibits discrimination in public school admissions and programs. The law reads as follows:

No student shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Elementary and Secondary Education in compliance with this law will be followed.

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

Title IX, Education Amendments of 1972

M.G.L. [76:5](#); [76:16](#) (Chapter 622 of the Acts of 1971)

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

BESE regulations 603 CMR [28.00](#)

[Acts of 2022, Chapter 117 \(*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.\)](#)

CROSS REF.: AC, Non-Discrimination Including Harassment and Retaliation

REVISED OCTOBER 2022

JFBB - SCHOOL CHOICE

It is the policy of this school district **not** to admit non-resident students under the terms and conditions of the Interdistrict School Choice Law. This decision must be reaffirmed annually prior to June 1st by a vote of the School Committee following a public hearing. In the event the School Committee votes to participate, the following local conditions would apply:

1. That by May 1 of every school year, the administration will determine the number of spaces in each school available to choice students.
2. That by June 1 of every school year, a public hearing will be held to review participation in the school choice program.
3. That resident students be given priority placement in any classes or programs within the district.
4. That the selection of non-resident students for admission when the number of requests exceeds the number of available spaces be in the form of a random drawing. There will be two drawings for this purpose. The first will take place during the last week of the current school year but no later than July 1st. The second will be conducted during the week immediately preceding the opening of the next school year and will be based on the possibility of unexpected additional openings.
5. Any student who is accepted for admission under the provisions of this policy is entitled to remain in the district until graduation from high school except if there is a lack of funding of the program.
6. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of *race, color, religious creed, national origin, sex, gender identity, age, sexual orientation, homelessness, ancestry, athletic performance, physical handicap, special need, academic performance or proficiency in the English language.

MASC 2022

LEGAL REFS.: M.G.L. [71:6](#); [71:6A](#); [76:6](#); [76:12](#); [76:12B](#)

BESE Regulations 603 CMR [26.00](#)

[Acts of 2022, Chapter 117 \(*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.\)](#)

REVISED October 2022

File: JICA - STUDENT DRESS CODE

The responsibility for the dress and appearance of the students will rest with individual student and parent/guardian.

They have the right to determine how the student will dress providing that attire is not destructive to school property, complies with requirements for health and safety, and does not cause disorder or disruption. The administration is authorized to take action in instances where individual dress does not meet these se aforelisted stated requirements.

Student, faculty, or parent groups may recommend appropriate dress for school or special occasions. However, students will not be prevented from attending school or a school function, or otherwise be discriminated against, so long as their dress and appearance meet the requirements set forth above.

LEGAL REF: Creating a Respectful and Open World for Natural Hair Act of 2022

Acts of 2022, Chapter 117 (*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.)

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Comment [1]: consistency throughout all policies

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REVISED OCTOBER 2022