



LAWRENCE PUBLIC SCHOOLS
LAWRENCE, MASSACHUSETTS
SEXUAL DISCRIMINATION AND HARASSMENT

Policy

It is the policy and commitment of the Lawrence Public Schools to maintain a learning and working environment free from sexual discrimination and harassment.

Definition of Sexual Harassment

Sexual harassment is a form of sex discrimination and therefore illegal. Under the Massachusetts law of fair educational practice (Chapter 151C of the Massachusetts General Laws) and Title IX of the Federal Education Amendments of 1972, the term sexual harassment is defined as any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such is either explicitly or implicitly a term or condition of employment or academic status.
- Submission to, or rejection of, such conduct by a person is the basis for an employment decision or an academic decision affecting that person.
- Such conduct substantially interferes with a person's work or academic performance or creates an intimidating, hostile, or offensive working or learning environment.

Sexual harassment can take many forms, including the following:

- *Verbal Harassment* - Sexual innuendo and other suggestive comments, humor and jokes about sex or gender-specific traits, offensive written notes, sexual propositions, insults, threats.
- *Nonverbal Harassment* - Whistling, making suggestive, or insulting sounds and/or gestures, exhibiting suggestive posters, displaying suggestive reading materials.
- *Physical* - Touching the body, (e.g., brushing, patting, pinching), involuntary sexual activity.

If the alleged sexual harassment constitutes sexual abuse of a child by an employee of the Lawrence Public Schools, then school administrators, teachers, and other school staff who are mandated reporters are required by Massachusetts General Laws Chapter 119, Section 51A to report the suspected child abuse to the Department of Social Services.



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The Lawrence School Department considers sexual harassment and discrimination to be a very serious matter. Therefore, any student or employee who has been found to engage in sexual harassment will be subject to appropriate disciplinary action, up to and including termination/removal from the educational setting.

Title IX Grievance Procedure

In addition to any contractual complaint or grievance procedures that may apply, the following grievance procedure is established under Title IX to consider staff or student complaints regarding sexual harassment or discrimination. All complaints will be treated as confidentially as possible.

I. Definitions

- A. *Grievance:* Grievance means a complaint alleging any action, policy, procedure, or practice, which would be prohibited by Title IX.
- B. *Title IX:* Title IX means Title IX of the Education Amendments of 1972, the 1980 implementing regulation, and any memoranda, directives, guidelines, or subsequent legislation that may be issued or enacted.
- C. *Grievant:* Grievant means a student or employee of the Lawrence Public Schools who submits a grievance relevant to Title IX or an individual or group submitting a grievance on behalf of a student(s) or employee(s).
- D. *Lawrence Public Schools:* Any reference to the Lawrence Public Schools means any school, department, sub-unit or program operated by the Lawrence Public schools.
- E. *Title IX Coordinator:* Title IX coordinator means the employee(s) designated to coordinate efforts by the Lawrence Public Schools to comply with and carry out its responsibilities under Title IX and the Title IX implementing regulation. The Director of Human Resources shall be the Title IX Coordinator for the Lawrence Public Schools.
- F. *The IX Grievance Representative:* Title IX grievance representative means any person designated by the Lawrence Public Schools or by the Title IX coordinator as a person with whom the Title IX grievances may be filed. The Title IX grievance representative may be delegated other tasks by the Title IX coordinator. The Title IX grievance representative shall be the building principal or program or department supervisor wherein the complaint arose.



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- G. *Respondent*: Respondent means a person alleged to be responsible, or who may be responsible for the Title IX violation alleged in a grievance. He term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.
- H. *Hearing Officer*: Hearing officer means the representative(s) of the Lawrence Public Schools who is delegated authority for hearing/resolving a grievance at a specified level of grievance processing.
- I. *Grievance Answer*: Grievance answer means the written statement of the respondent regarding the grievance allegation and possible corrective action.
- J. *Grievance Decision*: Grievance decision means the written statement of a hearing officer of his/her findings regarding the validity of the grievance allegation and the corrective action to be taken.
- K. *Day*: Day means a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays, and holidays.
- L. *Corrective Action*: Correction action means action which is taken by the Lawrence Public Schools to eliminate or modify any policy, procedure, or practice found to be in violation of Title IX and/or to provide redress to any grievant injured by the identified violation.

II. Filing of Grievances

- A. *Eligibility of Filing*: Any student or employee, or any individual or group acting on behalf of a student or employee may file any grievance with the Title IX coordinator or other designated Title IX grievance representative(s). The Principal of each building shall be the Title IX grievance representative for complaints arising in that building; the program or department supervisor shall be the Title IX grievance representative for complaints arising in that program or department.
- B. *Pre-grievance Meetings*: Prior to filing of a written grievance, the grievant(s) may request a pre-grievance meeting with the respondent allege to be directly responsible for the Title IX violation and/or persons with immediate supervisory authority related to the grievance. These persons shall make reasonable efforts to meet with any student or employee to discuss Title IX matters that the student or employee may wish to bring to their attention. Such a pre-grievance meeting shall be at the option of the grievant(s); it shall not be a pre-condition of the submission of a written grievance.



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- C. *Grievance Filing:* Grievances filed with the Title IX coordinator or designated Title IX grievance representative shall be in writing and provide the following information: name and address of grievant(s); nature and date of alleged violation; names of persons responsible for the alleged violation (where known); requested relief or corrective action (specification of desired relief shall be the option of the grievant); and any background information the grievant believes to be relevant (e.g., names of other persons affected by the violation, etc.).
- D. *Grievance Forms:* A grievance form shall be prepared by the Title IX coordinator to facilitate the filing of the grievance. These forms may be obtained from the Title IX coordinator or from any designated Title IX grievance representative. The grievant shall have the right to request assistance from the Title IX coordinator's office, or any other individual, group, or organization, to assist in the preparation of the form or in the filing of the grievance.
- E. *Time Limit for Grievance Filing:* A grievance must be filed within 60 days of the occurrence of the alleged Title IX violation.

III. Initial Processing of Grievances

- A. *Notification of Respondents:* Within five days of the filing of a grievance, the Title IX coordinator or designated Title IX grievance representative shall notify the respondent(s) of the grievance and of her/his responsibility for submission of a written grievance answer within five days after receipt of the grievance notification.
- B. *Respondent's Grievance Answer:* The respondent(s) receiving a copy of a grievance shall, within five days, submit a written grievance answer to the grievant and the Title IX coordinator. Such answer shall 1) confirm or deny each fact alleged in the grievance; 2) indicate the extent to which the grievance has merit; and 3) indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.
- C. *Referral of Grievance and Grievance Answer to Appropriate Processing Level:* Within five days after receipt of the respondent's written grievance answer, the Title IX coordinator shall determine the appropriate level for first grievance processing and refer the grievance and the grievance answer to the appropriate hearing officer. If no grievance answer has been received on the fifth (5) day after notification of the respondent, the Title IX coordinator shall send a notice of non-response to the respondent and her/his immediate supervisor. If no grievance answer has been received within five (5) days after issuance of this notice, the Title IX coordinator



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shall refer the grievance to the appropriate hearing officer with a notice of non-response. A notice of non-response shall also be sent to the grievant.

- D. The criteria which shall be used by the Title IX coordinator in determining the appropriate level for first processing of a grievance include:

Level I: Grievance involving policy, procedure or practice of single unit or sub-unit of the Lawrence Public Schools.

Level II: Grievance involving administrative policy, procedure, or practice of the entire Lawrence Public Schools system.

Level III: Grievance involving policy for which governance is primarily responsible.

- E. The hearing officer acting at each level shall be:

Level I: The building principal or the administrator/supervisor of the department or program where in the grievance arose.

Level II: Executive Assistant to the Superintendent of Schools or his/her designee.

Level III: Superintendent of Schools or his/her designee.

* If the grievance is referred to Level II or III for first processing, the Title IX coordinator shall briefly state the reason(s) for this decision in the referral.

IV. Grievance Processing Levels

A. Level I:

1. *Level I Hearing Officer* - The hearing officer serving in all administrator or supervisor of the program or building principal of the Lawrence Public Schools in which the Title IX violation is alleged to have occurred, or her/his designee.
2. *Written Grievance Decision by Level I Hearing Officer* - When a grievance and grievance answer (or notice of non-response) are referred to Level I for first processing, the Level I hearing officer shall, within fourteen (14) days of referral, submit a written grievance decision to the grievant, the respondent, and the Title IX coordinator. The decision shall: confirm or deny each fact alleged in the grievance and in the respondent's answer;



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- 1) indicate the extent to which the grievance has merit;
 - 2) indicate acceptance or rejection of any redress specified by the grievant or respondent; or
 - 3) Indicate that the hearing officer will conduct informal hearing on the grievance before rendering a decision.
3. *Response to Written Grievance Decision by Grievant and Respondent* - request for informal Level I hearing – If the decision is not accepted by either the grievant or the respondent, she or he shall so notify the Title IX coordinator in writing within five (5) days of the receipt of the grievance decision, and state his/her request for a Level I informal hearing.
4. *Nature of a Level I Informal Hearing* - A Level I informal hearing shall be conducted in two circumstances:
- a) The Level I hearing officer determines that the information provided in the written grievance and grievance answer is insufficient to permit the rendering of a grievance decision; or
 - b) Either the grievant or the respondent is dissatisfied with the written grievance decision of the Level I hearing officer.
- Its purpose shall be to encourage free and informal discussion of grievance issues between the grievant, the respondent, and the Level I hearing officer.
5. *Scheduling of Level I Informal Hearing* - A Level I informal hearing shall be scheduled by the Title IX coordinator within ten (10) days of the receipt of a request for such hearing from the grievant, the respondent, or the Level I hearing officer. The Title IX coordinator (or designated representative) shall schedule the hearing at a time and place acceptable to all parties, not to exceed ten days after the receipt of a request for such a hearing.
6. *Persons Present at the Informal Hearing* - Persons present at the informal hearing shall include the grievant, the respondent, any individual requested by either party to provide assistance relevant to consideration of the grievance, and the Level I hearing officer. The Title IX coordinator shall be present to act as moderator if requested by the Level I hearing.



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7. *Procedures Governing the Conduct of the Level I Informal Hearing* - Any procedures established to govern the conduct of the Level I informal hearing shall be at the discretion of the Title IX coordinator.
 8. *Level I Informal Hearing Decision* - Within ten (10) days after the informal hearing, the Level I hearing officer shall issue a written hearing decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX coordinator.
 9. *Continued Discussions* - In the event that the grievance cannot be adequately discussed or resolved during the course of the informal hearing, the respondent and the hearing officer may agree to continue the in formal hearing at a time and place acceptable to all parties. In this event the written decision shall not be required until five (5) days after the final informal hearing.
 10. *Acceptance of Rejection of Hearing Decision by the Grievant* - If the grievant rejects the Level I hearing decision, she/he shall, within ten days of the receipt of the hearing decision, notify the Title IX coordinator of her/his intent to appeal the grievance to Level II. This notification shall be the Title IX coordinator within this time period, any corrective action, and the grievance will be recorded as closed by the Title IX coordinator.
 11. *No Written Decision by Level I Hearing Officer* - In the event that no written decision is issued by the Level I hearing officer within five days after the Level I informal hearing, the Title IX coordinator shall, on the fifth day, send a notice of non-response to the Level I hearing officer and to her/his immediate supervisor. If no response is received by the tenth (10) day following the Level I hearing, the grievance shall be immediately referred by the Title IX coordinator for processing at Level II. This referral shall consist of the scheduling of a time and place for a Level II hearing, and notification of the grievant, the respondent, and the Level II hearing officer.
- B. Level II:
- I. *Level II Hearing Officer* - The officer serving all Level III grievance activities shall be the Executive Assistant to the Superintendent or his/her designee.



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2. *Nature of a Level II Hearing* - A Level II hearing shall be conducted in three circumstances:
 - a) A grievant is not satisfied with the decision rendered in a Level I hearing and appeals the grievance to Level II by means of written notification to the Title IX coordinator within ten (10) days of the receipt of the Level I hearing decision;
 - b) No written Level I hearing decision is issued by the Level I hearing officer within ten (10) days after the completion of the Level I hearing, and the grievance is immediately referred by the Title IX coordinator for processing at Level II; or
 - c) The grievance involves policies, procedures, or practices which are general throughout the institution/agency and is referred by the Title IX coordinator (or designated grievance representative) for first processing at Level II with a written statement regarding the potential pervasiveness of the grievance and the numbers and roles of effected persons.
3. *Scheduling of a Level II Hearing; Notification of Participants* - The Title IX coordinator shall arrange a date for Level II hearing and notify the grievant, the respondent, and the Level II hearing officer of the time, place, and minimum duration of the hearing. The hearing shall be held within five (5) days after appeal/referral of the grievance to Level II. If any written materials or records, relevant to the grievance are transmitted to the Level II hearing officer by the Title IX coordinator at the time of notification, copies of these materials shall also be transmitted to the grievant and the respondent.
4. *Persons Present at the Level II Hearing* - Persons present at the informal hearing shall include the grievant, the respondent, any representative(s) or either the grievant or the respondent, any individual request by either party to provide information relevant to the evaluation of the grievance, and the Level II hearing officer. The Title IX coordinator (or designated representative) shall be present to act as moderator and recorder. Hearings shall not be open to other persons unless requested or approved by the grievant.
5. *Procedures Governing the Conduct of the Level II Hearing* -
 - a) *Time allocations*: The time established for the duration of the hearing shall be allocated to provide to the grievant and the respondent a fair amount of time to present his/her case. The Title IX coordinator shall moderate the usage of time.



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- b) *Grievance Witnesses*: Both the grievant and the respondent shall have the right to present such witnesses, as they deem necessary to develop the facts pertinent to the grievance.
 - c) *Questioning of Witnesses*: Formal rules of evidence shall not be applied at the Level II grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions of any person participating in the hearing.
6. *Level II Hearing Decision* - Within fourteen (14) business days after the Level II hearing, the Level II hearing officer shall issue a written decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant, the respondent, and the Title IX coordinator.
7. *Acceptance or Rejection of Hearing Decision by the Grievant* – If the grievant rejects the Level II hearing decision, she/he shall, within ten (10) days of the receipt of the hearing decision, notify the Title IX coordinator of her/his intent to appeal the grievance to Level III. This notification shall be in writing. If no such notification is received by the Title IX coordinator within this time period, any corrective action specified in the Level II hearing decision shall be taken, and the grievance will be recorded as closed by the Title IX coordinator.
8. *No Written Decision by Level II Hearing Officer* - In the event that no written decision is issued by the Level II hearing officer within fourteen (14) business days after the Level II hearing, the Title IX coordinator shall, on the fifteen (15) day, send a notice of non-response to the Level II hearing officer and to her/his immediate supervisor. If no response is received by the fifth (5) day following such notice, the grievance shall be immediately referred by the Title IX coordinator for processing of Level III. This referral shall consist of a formal notification of the Lawrence School Committee or its designated representative regarding the appeal of the grievance.
- C. *Level III*:
- 1. *Level III Hearing Officer(s)* - The hearing officer(s) serving in all Level III activities shall be the Superintendent or his/her designee.
 - 2. *Nature of a Level III Hearing* - A Level III hearing shall be conducted in three (3) circumstances:



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- a) A grievant is not satisfied with the decision rendered in a Level II grievance hearing and appeals the grievance to Level III by means of written notification to the Title IX coordinator within ten (1) days of the receipt of the Level II hearing decision:
 - b) No written Level II hearing decision is issued by the Level II hearing officer within fourteen (14) business days after the completion of the Level II hearing, and the grievance is immediately referred by the Title IX coordinator for processing at Level III; or
 - c) The grievance involves system-wide policies, procedures, or practices for which the Superintendent has oversight responsibility and is so referred by the Title IX coordinator for the first processing at Level III.
3. *Grievance Hearings Conducted by the Superintendent; Schedule of Implementation Activities* - Processing activities shall occur on the following schedule:
- a) *Scheduling of the Hearing:* The Title IX coordinator shall arrange a date for the Level III hearing and notify the grievant, the respondent, and the Level III hearing officer(s) of the time, and place of the hearing. This shall be accomplished no later than five (5) business days after the appeal/referral of the grievance to Level III for determination of the processing method to be used. If any written materials or records relevant to the grievance are transmitted to the Superintendent by the Title IX coordinator at the time of the notification, copies of these materials shall also be transmitted to the grievant and to the respondent.
 - b) *Conducting the Hearing:* The hearing shall be scheduled for a date not to exceed twenty-one (21) days after the appeal/referral of the grievance to Level III.
 - c) *Issuance of Final Hearing Decision:* The Superintendent shall issue a written decision



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regarding the validity of the grievance and any corrective action to be taken within twenty-one (21) days after Level III hearing.

4. *Persons Present at the Level III Hearing* - Persons present at the Level III hearing shall include the grievant, the respondent, any representative(s) of either the grievant of the respondent, counsel (if requested), any individual requested by either party to provide information relevant to the evaluation of the grievance, and the Superintendent or his/her designee. The Title IX coordinator (or designated representative) shall be present to act as recorder. Hearings shall not be open to other persons unless requested or approved by the grievant or as otherwise authorized by law.
5. *Procedures Governing the Conduct of the Level III Hearing* - The specification of detailed procedures for the conduct of Level III hearings, shall be the option of the Superintendent. General procedures guiding the conduct of Level III hearings shall be, for the most part, similar to those used at Level II.
 - a) *Duration*: The Superintendent shall determine the duration of the hearing.
 - b) *Time allocations*: The time established for the duration of the hearing shall be allocated to allow a full and fair presentation by the grievant and the respondent.
 - c) *Grievance Witnesses*: Both the grievant and the respondent shall have the right to present such witnesses, as they deem necessary to develop the facts pertinent to the grievance.
 - d) *Questioning of Witnesses*: Formal rules of evidence shall not be applied at the Level III grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions of any person participating in the hearing.
6. *Level III Hearing Decision*: The Superintendent shall issue a written decision which includes a statement regarding the validity of the grievance allegation, a specification of any corrective action to be taken, and the grievant's right to a hearing at Level IV before the Lawrence School Committee. In the event the grievant does not elect a Level IV hearing, then this decision by the Superintendent shall constitute the decision by the Superintendent shall constitute the final decision issued pursuant to any grievance.



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D. Level IV:

1. In the event the grievant is dissatisfied with the results of the hearing at level III, the grievant may elect to appeal the grievance to Level IV by means of a written notification to the Title IX coordinator within ten (10) days of the receipt of the Level III hearing decision. The Level IV hearing shall be before the Lawrence School Committee.
2. The Superintendent shall arrange a date for the Level IV hearing and notify the grievant, the respondent and the School Committee of the time and place of the hearing. This shall be accomplished no later than five (5) business days after the appeal of the grievance to Level IV.
3. The hearing at Level IV shall be scheduled for a date not to exceed twenty-one (21) days after the appeal of the grievance to level IV.
4. The School Committee shall issue a written decision regarding the validity of the grievance and any corrective action to be taken within twenty-one (21) days after the Level IV hearing.

V. Grievance Appeals

A. Grievant's Rights

If a grievant is dissatisfied with the grievance decision received at level I, II, or III he/she may appeal the grievance to the next level. Such an appeal shall be made in writing to the Title IX coordinator within ten (1) business days of the receipt of the unsatisfactory decision.

B. Notification of Rights of Appeal

Upon receipt of the grievance decision from the Level I, Level II or Level III hearing officer, the Title IX coordinator shall make written notification to the grievant of his/her right to appeal and the procedure and deadline for submission of such an appeal.

VI. General Provisions

A. Time Calculations and Extensions

1. *Calculation of Time* - Saturdays, Sundays, and holidays shall be disregarded in calculating time periods specified in this grievance procedure.



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2. *Extension of Time* - Any Time limits set by this procedure may be extended by mutual consent of the grievant(s) and the respondent(s).

B. Grievant's Right to Information

A grievant(s) may request access to information and records in the possession of the Lawrence Public Schools, which may bear upon the validity of the grievance. If such requested information requires an unreasonable expenditure of resources, such request may be refused provided that the information is not submitted as evidence by the respondent(s), and that this refusal is considered during the grievance hearing. In order to protect the privacy of persons not directly involved in the grievance proceeding, the Lawrence Public Schools shall reserve the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant.

C. Grievant's Right to Representative and Assistance

1. *Right to Representatives* - The grievant(s) has the right to be represented by knowledgeable persons, organizations, or groups of her/his selection at any point during the initiation, filing, or processing of the grievance. The Title IX coordinator shall provide help in identifying such knowledgeable persons or groups.
2. *Right to Assistance* - The institution/agency shall provide assistance to grievant; including access to copies of the Title IX regulation, related guidelines, memoranda, and other relevant materials supplied the institution by the Federal government as well as access to public grievance records. In addition, the Title IX coordinator and designated representative shall provide consultation and assistance in the interpretation of such information and the use of this grievance procedure.

D. Confidentiality of Grievance Handling

1. *Confidentiality of Proceedings* - Subject to applicable law, the grievant(s) shall determine whether any grievance hearing or other grievance procedure shall be open to the public or open only to participants and their designated representatives or counsel.
2. *Confidentiality of File Records* - Subject to applicable law, a grievant(s) shall have the right to determine whether or not her/his grievance record shall be open or closed to the public. Should the grievant decide that the grievance record shall be open to the public, she/he shall have the additional right to have any matter, which



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directly or indirectly identifies the grievant removed from all grievance records, or documents open to the public. No record of the grievance shall be entered in the personal file of any student or employee.

E. Maintenance of Grievance Records

1. *Maintenance of written grievance records:*

- a) *Confidential Grievance Files:* Records shall be kept of each grievance. These shall include, at minimum: the name of the grievant and her/his position in the Lawrence Public schools; the date of grievance filing; the specific allegation made in the grievance and any corrective action requested; the names of respondents; the levels of processing and the resolution, date, and hearing officer(s) at each level; a summary of major points, facts, and evidence; and a statement of the final resolution and the nature and date of any corrective action taken. Such records shall be maintained on a confidential basis unless otherwise specified by the grievant.
- b) *Duration of Maintenance of Written Grievance Records:* All written grievance records shall be maintained for a minimum of three (3) years after grievance resolution.

F. Prohibition of Harassment

No person shall be subject to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of the grievance process.

G. Role of the Title IX Coordinator

It is the primary responsibility of the Title IX coordinator to ensure the effective installation, maintenance, processing, record keeping, and notification required by the grievance procedure.

H. Financial Responsibility for Grievance Processing

All costs involved in the administration of this grievance procedure shall be assumed by the Lawrence Public Schools.

