

Brookline School Committee  
Policy Review Subcommittee Meeting  
Monday, January 27, 2025  
5:00 PM – 6:45 PM  
Brookline Town Hall and Remote via Zoom

*Policy Subcommittee Members present:* Steven Ehrenberg (Chair), Jesse Hefter, and Carolyn Thall (remote). *Policy Subcommittee Members absent:* Andreas Liu.

*Other School Members present:* Sarah Moghtader (remote).

*Staff present:* Liza O'Connell, Deputy Superintendent for Students Services; Becky Shuster; Dr. Matthew DuBois, Senior Director of Clinical Services and Social-Emotional Learning; Claire Galloway-Jones, Executive Director of Educational Equity; Cristy Hernandez, Assistant Director of Educational Equity; Gabe McCormick, Senior Director for Teaching and Learning; and Betsy Fitzpatrick.

Dr. Ehrenberg called the meeting to order at 5:00pm.

**1. Approval of Minutes: December 16, 2024 Policy Subcommittee Meeting**

On a motion of Dr. Hefter, and seconded by Dr. Ehrenberg, the Policy Subcommittee voted, by roll call, with 3 in favor (Dr. Ehrenberg, Dr. Hefter, and Ms. Thall), 0 opposed, and 0 abstentions, to approve the December 16, 2024 Policy Subcommittee meeting minutes.

**2. Discussion and Possible Vote: Student Civil Rights Policy (Proposed Revision to Section J.6 of the Policy Manual: Policy Against Discrimination, Harassment, Sexual Harassment, and Retaliation)**

Ms. O'Connell introduced Becky Shuster, who has been consulting with the school district on issues of civil rights compliance. Dr. Ehrenberg clarified that the attached *Bullying Prevention and Intervention Plan* is informational for subcommittee members. State laws requires the district to update this plan every two years; this is work undertaken by staff with no subcommittee role, as described in School Committee Policy J(7)(III). Similarly, other attached documents including the *Community Incident Reporting Form*, the *Civil Rights and Bullying Incident Response Documentation Form*, and the *Student Civil Rights and Bullying Incident Response Protocol* (all in draft form), have been shared with the subcommittee for informational purposes. These are staff working documents designed to ensure policies have the requisite procedures and protocols for effective implementation.

Before the subcommittee today is the draft *Student Civil Rights Policy*, which encompasses information presently in J.6 of the Policy Manual (*Policy Against Discrimination, Harassment, Sexual Harassment, and Retaliation*); both of these documents are attached.

Dr. DuBois provided an overview of the proposed revisions for the district's Bullying Prevention and Intervention Plan. School leaders have provided feedback, and the district is also soliciting feedback from parents and guardians on the Plan. The Plan describes the district's efforts to prevent, respond to, and intervene on issues of bullying, harassment or retaliation. Dr. Hefter asked about the quantitative data from these incidents, and asked that they be made available to the subcommittee.

Ms. Shuster described her work in creating and organizing PSB's civil rights forms and documents. She has worked to create easily accessible, consistent documents and forms so that school administrators will be able to utilize them effectively and with fidelity to the requirements of the policy. Ms. Thall asked about the impact of items in the BHS Student Handbook (typically rules and protocols generated by Student Government). Ms. Shuster replied that she did not specifically incorporate language from the BHS Handbook, but that she has been working closely with BHS administrators who are in support of, and eagerly await, the new forms and documents that Ms. Shuster has drafted. Ms. Shuster noted that the goal of the policy is to provide a framework for school administrators to evaluate student behavior and determine whether or not it violates the policy. District staff do not have the authority to make a legal determination about student behavior; we are not a civil rights enforcement agency. Rather, student behavior is analyzed against the policy. The goal is to identify behaviors early (microaggressions) and address them before they become more serious; this work is intended to create a safe school environment for all students. Dr. Ehrenberg asked if this policy brings the district into compliance with new Title IX regulations. Ms. Shuster reported that, with changes at the federal level, the Title IX regulations are currently in flux. Ms. Thall noted that it is the School Committee's prerogative to determine the scope of the district's policies.

Members and staff reviewed the draft Student Civil Rights Policy compared to the current J.6 Policy Against Discrimination, Harassment, Sexual Harassment, and Retaliation. The proposed policy includes more detail, including examples of behaviors that are microaggressions (that trigger interventions) and examples of behaviors that would be in violation of the policy (that trigger an investigation). Ms. Shuster discussed the school district's responsibility under the policy and the law, which is not necessarily tied to how upset a student might be about a behavior. A student might not feel offended by a particular behavior, and yet that behavior violates policy. Conversely, a student might be very offended by a particular behavior, and yet that behavior is actually a microaggression. Ms. Shuster noted that the proposed policy (#4) requires PSB employees to report any incidents they become aware of that may constitute bias-based or sexual misconduct toward a student. Members discussed whether this language should instead, or also, be included in the Personnel section of the Policy Manual. Members referred to the lengthy and detailed language in the current policy that describes annual reporting, and asked that that language be added to the new draft policy.

Ms. Shuster directed members to Section 7 of the draft policy (Nondiscrimination on the Basis of Gender Identity). There was confusion as to whether this language is current School Committee Policy. Ms. Fitzpatrick confirmed that the School Committee has not adopted such a policy. She will research if and when the Policy Subcommittee may have previously considered this topic, and report to the subcommittee. Special Education counsel is also reviewing this proposed section of the new policy (which is modeled on DESE guidance), and will provide guidance on whether or not it is advisable to include this section. Members asked about the section in the current policy that delineates "Duties and Responsibilities"; this is missing from the proposed draft. Members suggested it should be added to the proposed draft.

### **3. Discussion of Building Safety Policy**

Dr. Ehrenberg reported that, per Dr. Liu, the topic of School Resource Officers will be docketed directly at a School Committee meeting in the near future.

Dr. Ehrenberg reported that the topic of external cameras was discussed at the recent Capital Subcommittee meeting. Hal Mason, BHS Assistant Head of School, presented on the topic.

Policy Review Subcommittee

January 27, 2025

Page 2 of 3

As part of the discussion, it was suggested that the Policy Subcommittee develop a policy to govern the installation and use of external cameras on school property. Ms. Fitzpatrick reported that Mr. Mason shared camera policies from two neighboring school districts. Those examples can serve as the starting point for Brookline's policy. Dr. Ehrenberg plans to add this to topic to the February 11 Policy Subcommittee agenda.

#### **4. Discussion of Generative AI Work Group**

Mr. McCormick joined the meeting to share preliminary thoughts about Generative AI. He has had preliminary conversations with high school leaders and central office administrators. At this point, staff are interested in learning more about Generative AI before the School Committee considers a policy. Staff are considering creating a working group - to include outside expert volunteers, students, educators, representatives from our higher education partners, and others – who would provide advice on the topic, and then come back to the Policy Subcommittee with some concrete recommendations for consideration. Subcommittee members expressed their support for these staff efforts, and look forward to being of assistance as necessary.

Dr. Ehrenberg adjourned the meeting at 6:45pm.

# Public Schools of Brookline



## Bullying Prevention and Intervention Plan

*Original Plan: December 30, 2011*

*Updates: July 2013, July 2014, February 2020, June 2022, November 2024*

PSB  
Bullying Prevention and Intervention Plan  
*Last Update: Dec 18, 2024*

**Table of Contents**

<b>Introduction</b>	<b>3</b>
<b>ACCESS TO RESOURCES AND SERVICES</b>	<b>5</b>
Counseling and other services	6
Students with Disabilities	7
Referral to outside services	7
<b>ACADEMIC AND NON-ACADEMIC ACTIVITIES</b>	<b>7</b>
Specific bullying prevention practices	7
General teaching strategies that support bullying prevention efforts	8
Social Emotional Learning/Anti-Bullying Programs	9
Restorative Justice Practices	9
<b>REPORTING AND RESPONDING TO BULLYING AND RETALIATION</b>	<b>12</b>
Reporting by Staff	13
Reporting by Students, Parents or Caregivers, and Others	13
Responding to a report of bullying or retaliation – Allegations of Bullying by a Student	14
Obligations to Notify Others	14
Investigation	15
<b>RESPONSES TO BULLYING</b>	<b>17</b>
Taking Disciplinary Action	17
<b>TRAINING AND PROFESSIONAL DEVELOPMENT</b>	<b>18</b>
Annual staff training on the Plan	18
Ongoing professional development	18
Written notice to staff	20
<b>COLLABORATION WITH FAMILIES</b>	<b>20</b>
Parent education and resources	20
Notification requirements	20
<b>PROHIBITION AGAINST BULLYING AND RETALIATION</b>	<b>20</b>
<b>PROBLEM RESOLUTION SYSTEM</b>	<b>21</b>
<b>APPEALS</b>	<b>21</b>
<b>DEFINITIONS</b>	<b>21</b>
<b>RELATIONSHIP TO OTHER LAWS</b>	<b>23</b>
<b>Appendix - Reporting and Investigation Flow Chart</b>	<b>25</b>

# PSB

## Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

### Introduction

It is the mission of the Public Schools of Brookline (PSB) to educate and inspire every student to lead a fulfilling life and make positive contributions to our world. To accomplish this mission, our schools must be safe, welcoming, respectful, and nurturing. The District is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote academic achievement and belonging for all students.

**Bullying is defined** as a student(s)' (or a PSB employee's) *repeated* written, verbal, or electronic communication and/or physical act or gesture that targets a student, causes them physical or emotional harm, damages to their property, places them in reasonable fear of harm to themselves and/or their property; and/or disrupts their learning environment and access to education.

The school district and our schools expect that all members of the school community will treat each other in a civil manner and with respect for differences. We recognize that some students may be more vulnerable to becoming targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The District will identify specific steps to create a safe, welcoming, and supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

PSB will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. PSB will promptly investigate all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or caregiver involvement.

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

The Bullying Prevention and Intervention Plan (“Plan”) is a comprehensive approach to addressing bullying and cyberbullying, and the District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent and respond to issues of bullying, cyberbullying, and/or retaliation. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. Each school principal is responsible for the implementation and oversight of the Plan except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases and in cases dealing with members of the central office administration staff, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target. If the Superintendent is the alleged aggressor, the School Committee, or its designee, shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged victim.

In 2010, the Commonwealth of Massachusetts approved new legislation, An Act Relative to Bullying (c. 92, Acts of 2010). Massachusetts General Laws, Chapter 71, Section 37O, require schools to take active steps to prevent and respond to bullying. The PSB’s Bullying Prevention and Intervention Plan (hereinafter, the “Plan”) has been updated to reflect M.G.L. c. 71, §37O, as amended by Sections 72 - 74 of Chapter 38 of the Acts of 2013 and Chapter 86 of the Acts of 2014.

The first Bullying Prevention and Intervention Plan (January 2011) was developed in consultation with district stakeholders, including parents/caregivers, teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, and students. The Superintendent or his/her designee is charged with reviewing and updating the Plan biennially. Consultation will include, at a minimum, posting a proposed updated Plan on the PSB website, and a public comment period prior to the adoption of an updated Plan.

At the beginning of each school year, the Superintendent or designee, provides the school community, including staff, students, and parents/caregivers with written notice of District policies for reporting bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the Deputy Superintendent for Student Services and building-level administrators (principals and

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

vice principals), is incorporated in student and staff handbooks, and information about the Plan is made available to parents/caregivers. The Plan can be located on the district website.

### **ACCESS TO RESOURCES AND SERVICES**

Every two years, PSB will review and assess the adequacy of the current policies and procedures, current programs, and assess various resources. This information will be used to update the Bullying Prevention and Intervention Plan, procedures, training, and curricula accordingly.

At least every four years, PSB will administer a student survey to assess school climate and the prevalence, nature, and severity of bullying in schools. The survey results will be used to assess the effectiveness of curricula and instruction that support bullying prevention (which is required under the bullying prevention and intervention statute). PSB currently uses a self-report survey in grades 3 to 12 that measures students' school connectedness, supportive peer and adult relationships, social awareness, positive emotional experiences, challenging emotional experiences, and emotional regulation three times a year. Once every two years, PSB administers the Youth Risk Behavior Survey to Middle School and High School students, which includes questions about the prevalence of bullying and cyberbullying.

### **Identifying resources**

The Plan includes a process to identify the resources and supports that are available in every school for students who are targets of bullying, student aggressors, and their families. These resources and supports are separate from the people who could deliver them. Principals, in collaboration with appropriate district staff and support personnel (e.g., counselors, psychologists) may help identify these resources. The Plan also allows for a process to identify a team of people who could be available as an intervention team for students who are targets of bullying, student aggressors, and their families. Schools will conduct an annual review of existing and needed resources and current staffing and programs that support the creation of positive school environments by focusing on early interventions and intensive services.



# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

### **Counseling and other services**

School adjustment counselors/social workers, school counselors, board-certified behavior analysts (BCBAs), nurses, school psychologists, and student intervention team (child study team) members can help identify a variety of therapeutic and skill-based services for students who may be vulnerable to being bullied, harassed or teased, or to being identified as an aggressor. Supports may include restorative circles, school-based counseling, risk assessment, crisis intervention, safety and support plans, and help accessing community-based mental health services.

Administrators, classroom teachers, school counselors, school adjustment counselors/social workers, board-certified behavior analysts (BCBAs), nurses, and school psychologists can also provide parents and teachers with resources and support to address students' academic, emotional, and behavioral concerns as a result of bullying, harassment, or teasing. Examples of interventions to help address students' needs include individually focused curricula, social skills groups, therapeutic groups focused on developing emotional regulation skills, restorative circles, and behavioral intervention plans.

Every school has a Student Intervention Team (formerly Child Study Team) and a Clinical Team that meets regularly to discuss students. These teams can help identify the supports and services that may help students who are targets of bullying, student aggressors, and their families. For example, Clinical Team members often work collaboratively to apprise parents of outside resources to enhance parenting skills and provide for the needs of children. This includes providing linguistically and culturally responsive resources to families.

School counselors, school adjustment counselors/social workers, and school psychologists maintain current information on community-based mental health agencies, services, and providers who can offer social-emotional and mental health support to students. School adjustment counselors/social workers, school counselors, school psychologists, speech pathologists, and BCBAs work collaboratively to develop behavior plans and social thinking groups for students who may be vulnerable to bullying, harassment, or teasing.

PSB  
Bullying Prevention and Intervention Plan  
*Last Update: Dec 18, 2024*

### **Students with Disabilities**

As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development, or that the student may participate in or is vulnerable to bullying, harassment, or teasing because of their disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

Within the context of their IEPs, students with disabilities who have needs in this area may receive specialized instruction from speech and language pathologists, counselors, school psychologists, social workers, special education teachers, and/or other special education staff. This specialized instruction may include but is not limited to direct and indirect ways to react to and avoid bullying behavior. Goals and objectives focused on the needs of the individual student may include areas such as self-advocacy skills, social communication skills, skills for responding to teasing, problem-solving skills, skills for managing anger, skills for recognizing the feelings of others, and conflict resolution skills.

### **Referral to outside services**

School counselors, school adjustment counselors/social workers, and school psychologists have an established practice of providing parents/caregivers and students with referral information and assistance in accessing social-emotional and mental health support and services in their community. At this time, the Public Schools of Brookline has contracts with Care Solace, Cartwheel Care, and the Brookline Center. School-based clinical staff and administrators can work closely with students and families to help them access these supports.

## **ACADEMIC AND NON-ACADEMIC ACTIVITIES**

### **Specific bullying prevention practices**

Direct instruction to support bullying prevention happens at the class, small group, and individual levels. At the class level, lessons targeting bullying prevention are led by classroom teachers (e.g., Second Step), school counselors, and health teachers. At the individual and small group levels, instruction is provided by counselors, psychologists,

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

social workers, and other related service providers. The following skills are emphasized within these levels of instruction:

- explicitly teaching students social-emotional skills, including self-awareness, self-management, social awareness, relationship skills, and responsible decision-making;
- having students actively practice skills with peers;
- empowering students to take action by helping them understand what to do when they witness other students or school staff engage in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand and identify the dynamics of bullying and cyberbullying.
- emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
- enhancing students' ability to take the perspective of, and to experience empathy for, others.
- enhancing students' skills for initiating and maintaining healthy relationships and respectful communication; and
- engaging students in a safe and supportive school environment that is respectful and affirming of all diversity and differences.

### **General teaching strategies that support bullying prevention efforts**

The following strategies are integral to establishing safe and supportive school environments. As part of our regular practice in PSB, educators consistently focus on:

- establishing, teaching, and reinforcing clear developmentally-appropriate behavioral expectations and classroom routines for students;
- creating and maintaining safe, positive, and affirming school and classroom environments for all students, including students who may be vulnerable to experiencing bullying, harassment, or teasing;
- actively reinforcing engagement in prosocial and respectful behavior;
- using positive behavioral supports and interventions to prevent and respond to challenging behavior;
- encouraging all adults to develop and maintain strong, positive relationships with students;
- providing students with ongoing opportunities to engage in collaborative learning with peers;

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

- providing students with ongoing instruction and support to effectively resolve conflicts in a healthy and positive way, including restorative justice.
- using the internet, technological devices, and social media safely and appropriately; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength and interest.

### **Social Emotional Learning/Anti-Bullying Programs**

Social Emotional Learning (SEL) helps students acquire the skills necessary to be respectful and responsible members of their school community and the ever-evolving global society. Effectively supporting students' social-emotional development requires actively incorporating SEL into classroom routines, embedding SEL into academic instruction, and providing students with explicit SEL instruction. Effective SEL programs emphasize the development of five core social and emotional competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. PSB aims to provide explicit, age-appropriate, and evidence-based instruction on bullying prevention and intervention to students. The following are offered across the district:

### **Restorative Justice Practices**

- Restorative justice refers to a set of formal and informal practices that are designed to strengthen communities and respond to harm after it occurs. In keeping with restorative practices' respect for human dignity, participation in any restorative practice must be entirely voluntary. The fundamental premise of restorative practices is that people are happier, more cooperative, more productive, and more likely to make positive changes when those in authority make decisions with them rather than to them or for them. When used to repair harm, restorative practices center on three questions:
  - What was the harm caused to both the individual and the community?
  - Who is responsible for causing the harm and for making things right?
  - How can the harm be repaired and relationships restored to the greatest extent possible?
- Restorative practices focus on how to build connections between individuals and achieve social discipline through participatory learning and decision-making. The use of restorative practices in schools helps to improve

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

human behavior, develop and maintain relationships, explore learning opportunities, and teach leadership and personal accountability.

- In practice, classrooms can hold classwide restorative circles to build community. Additionally, when harm is experienced, restorative circles that include two students or a small group of students can be facilitated by a supportive adult. The goals for this type of circle are to offer space for students to describe the impact of the behavior, acknowledge the harm that was done, and develop plans for repairing the harm.

### **Explicit Social-Emotional Instruction**

In classrooms across the district, students are explicitly taught how to treat each other respectfully (i.e. what respect looks like in their school) and how students, including bystanders and the student who is bullied, should respond when peers are not being respectful.

**Elementary Curriculum.** School counselors and classroom teachers provide students in BEEP through 5th-grade weekly whole-class SEL lessons that address specific SEL competencies (e.g., self-awareness, self-management, social awareness, relationship skills, responsible decision-making) and ways to effectively prevent and respond to bullying, harassment, and teasing. This instruction includes the use of Second Step, which is an evidence-based SEL curriculum. This curriculum actively teaches skills related to empathy and kindness, emotional regulation, and problem-solving, each of which is critical in forming and maintaining strong, positive relationships. School counselors and classroom teachers also work together to develop lessons to meet the unique needs of individual classrooms, including teaching students how to identify and respond to bullying.

**Middle School Curriculum.** Students in 7th and 8th grade participate in Health education. Health classes across the district use a skills-based approach to gain functional knowledge that supports the application of essential health skills and the promotion of overall wellness.

### **Health Skills Practiced**

- Analyzing Influences
- Accessing Valid and Reliable Information
- Interpersonal Communication (including assertive and refusal skills)

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

- Decision-Making
- Goal Setting
- Self-Management
- Advocacy.

7th Grade Content Topics :

- Supporting healthy self-esteem and self-concept
- Identify safety guidelines, and demonstrating strategies to avoid dangerous situations, including refusal skills
- Practicing managing emotions and feelings.
- Demonstrating conflict resolution skills and active listening skills.
- Examining situations where adult help is needed, determining support services, people, and resources.
- Identifying different forms of bullying, including cyberbullying;
- Discussing bystanding, upstanding, and how to be an allyship
- Developing media literacy skills and analyzing influences that promote aggression and violence.
- Initiating and maintaining healthy and unhealthy relationships, which includes skills practice for confronting hurtful behavior and examining communication.
- Discussing dating relationships, including personal values/decision-making, non-sexual activities, qualities in a partner, abstinence, postponement, and consent

8th Grade Content Topics

- Practicing empathy skills and using “I-statements”.
- Practicing conflict resolution skills and managing emotions.
- Mental Health Literacy
- Initiating and maintaining friendships and healthy relationships
- Reviewing bullying (including cyberbullying), laws, and prevention.
- Reviewing bystanders, upstanders, and allies
- Accessing support services at home, school, and in the community
- Discussing the importance of respect and boundaries.
- Identifying and practicing consent
- Defining and identifying different forms of sexual harassment
- Examining the importance of reporting sexual harassment
- Modeling, rehearsing, and demonstrating refusal skills in sexual contexts

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

- Describing how sexual decision-making can create an unplanned situation that affects future goals

**Wellness Education (9th Grade).** Using a skills-based health approach, students in the 9th-grade Lifetime Wellness classes gain functional knowledge that supports the application of essential health skills and the promotion of overall wellness.

Health Skills Practiced:

- Analyzing Influences
- Accessing Valid and Reliable Information
- Interpersonal Communication (including assertive and refusal skills)
- Decision-Making
- Goal Setting
- Self-Management
- Advocacy.

Content Topics Covered:

- Identifying supports and resources. (School, Home, Community)
- Review of bullying, bystanders, allies, and upstanders
- Violence prevention skill development
- Coping skills, stress management
- Identifying healthy and unhealthy relationships
- Consent and boundaries
- Impact of media, culture, technology, and peers on health-promoting behaviors
- Examining the influence of substance use on behavior
- Practicing setting goals and advocating for self and others as it relates to health and safety
- Mental Health Literacy

**Advisory/Hub (Grades 9 to 12).** Advisory/Hub is a program supported by the Innovation Fund since 2009. All BHS students participate in a weekly Advisory/Hub, which implements the Restorative Justice Practices of holding meetings in a circle, centering student voice, and prioritizing social-emotional growth, connection, and community. Advisory/Hub also provides students an opportunity to meet with their advisors and student support staff.



PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

**Social Thinking (Grades K-12, as appropriate).** The social thinking program teaches students how to think in a variety of social situations. Students are taught to observe and think about their own and others' thoughts and feelings. Students also learn about the connection between thoughts, feelings, and behavior. The Social Thinking curriculum is often used with individual students, small groups of students, or classrooms where additional support and teaching of social skills is needed.

## **REPORTING AND RESPONDING TO BULLYING AND RETALIATION**

Reports of bullying or retaliation may be made by staff, students, parents or caregivers, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing by the staff member. School staff who witness or become aware of bullying or retaliation shall report immediately in writing such bullying or retaliation to the principal or designee or to the superintendent or designee when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor.

Please note that school staff are legally required to report bullying. Although there may be times when a family or student does not want an educator to report bullying behavior (or pursue an investigation), educators are required to do so. School staff will take supportive measures to prevent retaliation and ensure student safety.

Each school shall have a means for anyone to anonymously report bullying or retaliation. No formal disciplinary action shall be taken against a student or staff member solely on the basis of an anonymous report. Anonymous reporting is available on the Public Schools of Brookline website.

Any student who knowingly makes a false accusation/report of bullying or retaliation shall be subject to disciplinary action equivalent to that for bullying or retaliation.

At the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or caregivers, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, and the superintendent or designee when the principal or the assistant



# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

principal is the alleged aggressor, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or caregivers.

### **Reporting by Staff**

A staff member will immediately report to the principal or designee, or the superintendent or designee when the principal, vice principal, or district staff is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when they witness or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

### **Reporting by Students, Parents or Caregivers, and Others**

The school or district expects students, parents or caregivers, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee, or superintendent or designee when the principal or vice principal is the alleged aggressor. Students, parents or caregivers, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or vice principal is the alleged aggressor. Students, parents, and caregivers can report bullying or retaliation on [the PSB website](#).

### **Responding to a report of bullying or retaliation – Allegations of Bullying by a Student**

Upon receipt of a report of bullying or retaliation, the principal/designee shall promptly,

- 1) With the assistance of support staff, assess the alleged target's need for protection and (if needed) create and implement a safety plan that shall restore both a sense of and actual safety for the target. The safety plan is an immediate action plan identifying the target's primary and secondary safe person who they can go to if they feel unsafe at any time after the initial report of bullying. The

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

- safety plan should be agreed upon by students, parents/families, and school administration, and filed with completed bullying investigation documents;
- 2) With the assistance of support staff; determine appropriate supportive measures. Supportive measures are temporary actions that are reasonably available and are designed to ensure educational access, protect safety, or deter harassment or other prohibited conduct;
  - 3) Notify the safe person listed on the student's safety plan;
  - 4) If a bullying investigation is necessary, notify the parents/caregivers of the alleged target(s) and the alleged aggressor(s) within the confines of student confidentiality protections as outlined within DESE regulations and/or FERPA, and consistent with the requirements of the Plan;
  - 5) If a bullying investigation is necessary, conduct and conclude an investigation within 10 school days that is consistent with the requirements of the Plan. If the investigation exceeds 10 school days, the principal/designee must provide ongoing updates to involved families.

The principal/designee will implement appropriate strategies for protecting a student from bullying or retaliation who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

**Obligations to Notify Others**

- 1) Notice to Parents or Caregivers
  - a) Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or caregivers of the target and the student aggressor of this, and of the procedures for responding to it. The district strives to notify parents within 24 hours of determining that bullying or retaliation has occurred. Notice will be consistent with state regulations at 603 CMR 49.00.
- 2) Notice to Another School or District
  - a) If the reported incident involves students from another PSB or non-PSB school, the principal or designee shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

3) Notice to Law Enforcement

- a) At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

### Investigation

The principal or designee will promptly investigate all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation, the principal or designee will, among other things, interview students, staff, witnesses, parents or caregivers, and others as necessary. The principal or designee will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful, and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee and by other staff members with appropriate training, as determined by the principal or designee. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

### **Determinations**

The principal or designee will make a determination based on all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted from participating in school or benefiting from school activities.

The principal or designee will:

1. determine what remedial action is required, if any;
2. determine what responsive actions and/or disciplinary action is necessary, including when appropriate, consultation with support staff to identify any underlying social or emotional issue(s) that may have contributed to the bullying or retaliation, and assess the level of need for additional social skills development or referral to one or more of the resources identified in this Plan;
3. Notify the parents/caregivers of the target(s) and the aggressor(s) of the determination and of the procedures for responding to the bullying or retaliation;
4. Notify the parents/caregivers of the target(s) of the action to be taken to prevent further bullying or retaliation; and
5. In the event of a staff member, the administrator will consult with the Director of Human Resources to determine the appropriate course of action.

Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or caregiver about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of to report violations.

If, after the investigation, the principal or designee determines that bullying or retaliation has not occurred, they shall notify the parents/caregivers of the alleged target(s) and aggressor(s) of the determination and shall verify that they have received notice of the student-related sections of the Plan. Notice to parents/caregivers shall be

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

in the primary language of the home and consistent with the confidentiality requirements of the Plan.

The principal or designee shall maintain a file of all reports of bullying or retaliation, along with investigative materials and documentation of report(s) made to law enforcement.

The principal or designee shall inform the parent or caregiver of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

### **RESPONSES TO BULLYING**

#### **Teaching Appropriate Behavior Through Skills-Building**

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. [M.G.L. c. 71, § 37O (d) (v)]. Skill-building approaches that the principal or designee may consider include:

- offering individualized skill-building sessions from related service providers (e.g., counselors, psychologists, social workers, speech and language pathologists)
- providing relevant educational activities for individual students or groups of students, in consultation with school counselors and other appropriate school personnel.
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals.
- meeting with parents and caregivers to engage parental support and to reinforce SEL curricula and social skills-building activities at home.
- adopting behavioral plans to include a focus on developing specific social skills;
- with consent from all students and families, participation in a restorative circle that aims to repair the harm that was caused.

#### **Taking Disciplinary Action**

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or

PSB  
Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior.

Discipline will be consistent with the Plan and with the District's code of conduct.

The School Committee expects administrators and supervisors to make clear to students and staff that the act of bullying in the school building, on school grounds, on the bus or school-sanctioned transportation, or at school-sponsored functions is against the District's code of conduct and may be grounds for disciplinary action for students and termination for employees.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

### **Promoting Safety for the Target and Others**

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use, if feasible, is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

## **TRAINING AND PROFESSIONAL DEVELOPMENT**

### **Annual staff training on the Plan**

Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a

# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the district.

Staff training for those responsible for implementation and oversight of the Plan will include training to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, and bullying behaviors.

Age-appropriate, evidence-based instruction on skills to prevent bullying shall be incorporated into the curriculum for all PreK-12 students.

Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

### **Ongoing professional development**

The goal of professional development is to establish a common understanding of the tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development offered by PSB will build the skills of staff to broadly promote the SEL development of all students and to prevent, identify, and respond to bullying behavior. As required by M.G.L. c. 71, § 37O, the content of schoolwide and district-wide professional development will be informed by research and will include information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;
- (ii) developmentally (or age-) appropriate strategies for intervening and responding to bullying incidents;
- (iii) information regarding the complex interaction and power differential that may or may not take place between and among an aggressor, target, and witnesses to the bullying;
- (iv) research findings on bullying, including information about the students who have been shown to be particularly at risk for bullying in the school environment;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.



# PSB

## Bullying Prevention and Intervention Plan

*Last Update: Dec 18, 2024*

Professional development will also address ways to prevent and respond to bullying and retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a focus on the needs of students with autism spectrum disorder (ASD), developmental disabilities, and students whose disability affects their social skills development.

Additional areas identified by the school or district for professional development include:

- creating and maintaining strong, positive relationships with students
- creating and maintaining safe, positive, and affirming learning spaces for all students
- modeling and promoting the use of respectful and affirming language
- building strong, positive relationships with families
- fostering an understanding and respect for diversity and difference
- helping students effectively work and play together
- using positive behavioral interventions and supports to prevent, manage, and respond to classroom behaviors
- using instructional practices that help support self-awareness, social awareness, and responsible decision-making
- teaching students how to effectively manage anger and other strong, negative emotions
- creating opportunities for students to take the perspective of others
- teaching students how to effectively advocate for their needs
- engaging students in school or classroom planning and decision-making
- engaging staff and those responsible for the implementation and oversight of the Plan to distinguish between acceptable managerial behaviors designed to correct misconduct and instill accountability in the school setting

### **Written notice to staff**

The school or district will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties and bullying of students by school staff, in the school or district employee handbook and the Code of Conduct.



PSB  
Bullying Prevention and Intervention Plan  
*Last Update: Dec 18, 2024*

## **COLLABORATION WITH FAMILIES**

### **Parent education and resources**

The District will offer education programs for parents and caregivers that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTO, the Brookline Parent Education Network, School Councils, the Special Education Parent Advisory Council, or similar organizations.

### **Notification requirements**

The school or district will inform parents and caregivers about the bullying prevention curricula of the school district and shall include, but not limited to:

- How parents and caregivers can reinforce the curriculum at home and support the school district or school plan;
- The dynamics of bullying; and
- Online safety and cyber-bullying

The school or district will send parents written notice each year about the student-related sections of the Plan and the district's Internet safety policy. All notices and information made available to parents or caregivers will be available in the language(s) most prevalent among parents or caregivers. The school and district will post the Plan and related information on its website.

## **PROHIBITION AGAINST BULLYING AND RETALIATION**

Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

# PSB

## Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the District or school to staff any non-school related activities, functions, or programs.

### PROBLEM RESOLUTION SYSTEM

Any parent wishing to file a claim/concern or seeking assistance outside of the District may do so with the Department of Elementary and Secondary Education Problem Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/prs>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information are also available at the Superintendent's office.

### APPEALS

Parents or caregivers of either the Target or Aggressor may appeal a bullying determination decision in writing to the Deputy Superintendent for Student Services or designee within five (5) school days of receipt of the determination decision.

Appeals are not a “do-over” of the original investigation. Appeals are properly confined to a review of the written record of the original investigation to determine:

1. If there was a procedural irregularity that affected the outcome of the matter;
2. If there is new evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter; and
3. If the principal or designee investigating had a conflict of interest or bias for or against the Target or Aggressor that affected the outcome of the matter.

### DEFINITIONS

**Aggressor** means a student or a member of school staff who engages in bullying or retaliation as defined herein. School staff includes, but is not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisers to extracurricular activities, and paraprofessionals.

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

**Bullying**, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

**Cyberbullying**, means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyberbullying also includes the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**Home Base** is a location in the school selected by school administration and staff where a student may go when feeling unsafe. This location should be a place where students can be supervised and monitored by school staff and where they are able to request support (principal's office, vice principal/assistant headmaster's office, dean's office, school counselor's office, the main office, etc.)

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

**Hostile Environment**, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education. The conduct of the aggressor sufficiently interferes with or limits a student's ability to participate in or benefit from school-sponsored or school-related activities, functions or programs.

**Retaliation** is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

**Safe Person** is a designated person in the school who the student can talk to and process social situations that are troubling, confusing, or agitating including bullying, that may not be readily understood by the student. This person should be familiar to the student and have a trusting relationship already established. This person should be a person chosen by or acceptable to the student and family.

**Safety Plan** is an immediate action plan identifying the target student's primary and secondary safe person who they can go to if they feel unsafe at any time after the initial report of bullying. In addition, the safety plan lists the behavioral expectations moving forward for all students involved including the aggressor. It lists school team actions and supportive measures intended to provide support to students in resolving the bullying conflict, which may include, but not be limited to, additional supervision during recess, lunch, and transition time, scheduling changes, scheduled check-ins with involved students, etc. This plan should be agreed upon by students, parents/families and school administration and filed with completed bullying investigation documents.

**School Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

**Target** is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

PSB  
Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

**RELATIONSHIP TO OTHER LAWS**

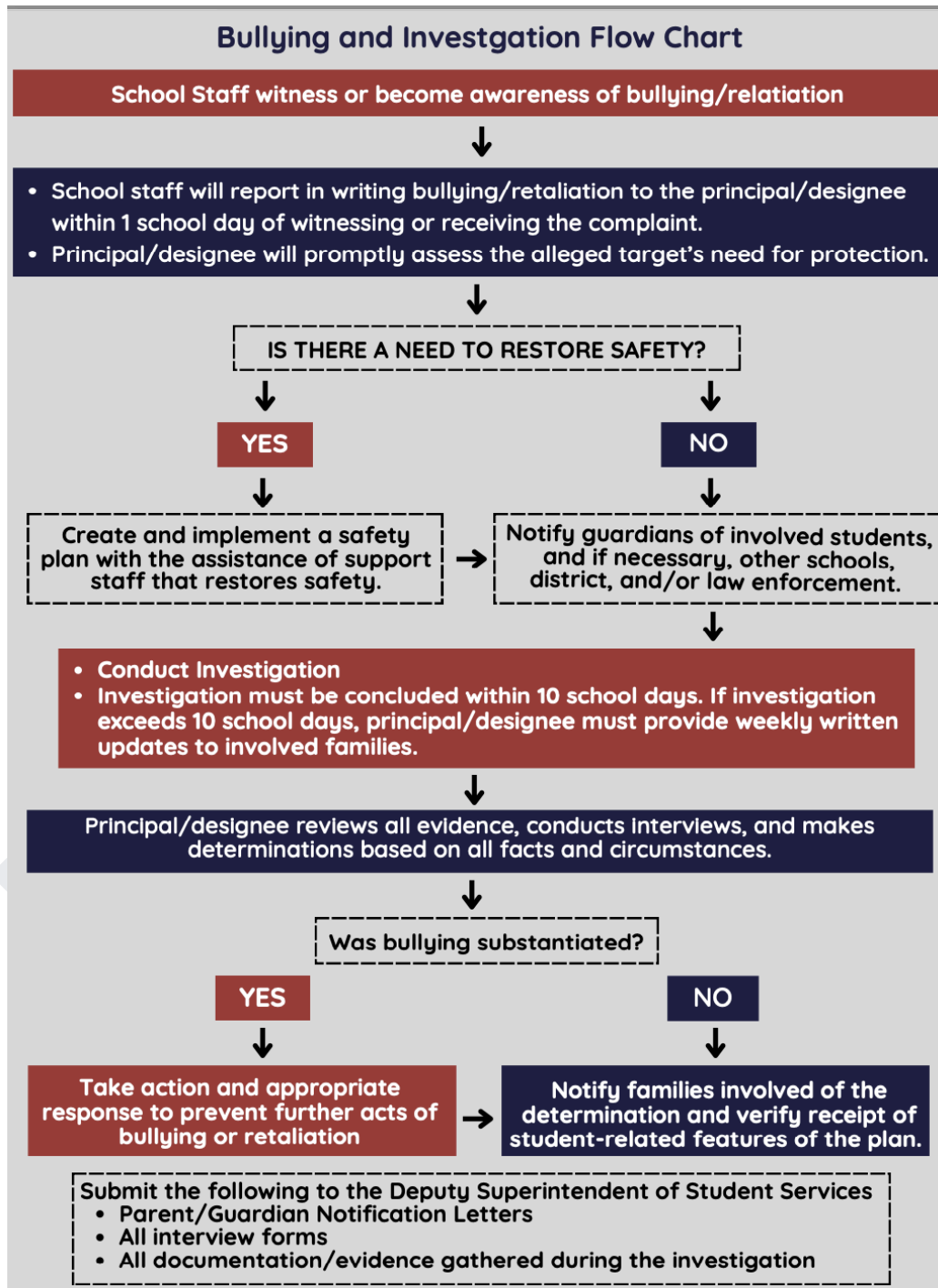
Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, M.G.L. c. 71, §§41 and 42, M.G.L c 76 § 5, or other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

# Bullying Prevention and Intervention Plan

Last Update: Dec 18, 2024

## Appendix - Reporting and Investigation Flow Chart



## Community Incident Reporting Form DRAFT

Please use this form to report a concern regarding possible misconduct by a Public Schools of Brookline (PSB) student, employee, family member, contractor, volunteer, or visitor that has harmed the learning and working environment. Concerns may include possible bias-based conduct, sexual misconduct, bullying, violence, or threats prohibited under the PSB Student Civil Rights Policy, Bullying Prevention Policy, Student Code of Conduct, or other PSB policies and expectations. Depending on the nature of the concern, it will be referred to the Office of Student Services, Human Resources, or another PSB department.

PSB is committed to providing a workplace and educational environment free from sexual misconduct or bias-based conduct related to a student's, employee's, or other community member's identity, such as race, ethnicity, religion, gender identity, sexual orientation, or disability.

Retaliation for reporting these concerns or engaging in the investigation process is strictly prohibited. Concerns will remain as confidential as practicable. In certain instances, we may be required to disclose an allegation either to impacted students or families and/or relevant PSB staff in order to investigate the matter, or to law enforcement.

Important: PSB employees are mandatory reporters of any possible bias-based conduct, sexual misconduct, or violence toward a student, or any abuse or neglect of a student. Any staff member who witnesses or becomes aware of possible mistreatment of a student must immediately inform a school administrator or the Office of Student Services.

PSB's ability to thoroughly investigate an allegation depends on the information provided, so please provide as much detail as possible below. Anonymous concerns will be investigated to the extent possible.

If you have questions about the reporting process, or would prefer to report your concern by email, phone, or in person, please call the Office of Student Services at 617-730-2447 or email [liza\\_oconnell@psbma.org](mailto:liza_oconnell@psbma.org). For more information, please refer

to the PSB Student Civil Rights Policy and/or Employee Code of Conduct, available at all schools and on the PSB website.

1. Enter your full name (the name of the person completing this form).

Parents, students, and other community members may report possible misconduct anonymously by leaving this question blank. However, anonymous reports may impede the district's ability to fully investigate and/or address a report. (Please note that PSB staff may not report anonymously.)

2. Anonymity \*

Mark one oval.

I have provided my name above.

I am a parent, student, or community member (not an employee), and prefer to remain anonymous. I understand that this may limit the district's ability to take action.

3. Enter your role or title here, such as "Parent," "Student," "Teacher" or "Guidance Counselor."

4. Enter your preferred email address.

5. Enter your preferred phone number.

6. What is the nature of the possible misconduct you are reporting? \*

Mark all that apply.

Bias-based conduct

Sexual misconduct

Bullying (requires more than one incident and a power difference between the parties)

Violence or abuse

Neglect

Other misconduct

7. If you answered, "Other misconduct," please expand:

8. Select the primary school or work location of the individuals involved? \*

Amos A. Lawrence School



Brookline Early Education Program  
Brookline High School  
Edith C. Baker School  
Florida Ruffin Ridley School  
John D. Runkle School  
John Pierce School  
Michael Driscoll School  
Roland Hayes School  
William H. Lincoln School  
Work Location (Baldwin, Town Hall, etc.)  
Other

9. Enter the name(s) of the person(s) targeted or harmed by the alleged misconduct, and for students, their grade level(s) if known: \*

10. Enter the name(s) of the person(s) who engaged in the alleged misconduct, and for students, their grade level(s) if known: \*

11. Enter the name(s), role(s), and grade level(s) of any other individual(s) who witnessed the alleged misconduct or were involved in some way, if known.

12. When did the incident(s) occur? \*

Please list the date(s) and time(s). If you do not recall specific date(s) and time(s), please provide as many details as possible.

13. Please provide details about where the incident(s) occurred, such as a classroom, the cafeteria, an athletic field, an after school program, a field trip, the bus, an office, by text message, or online. \*

14. Describe the incident(s). \*

Please include as much detail as possible: who was involved or present, what occurred, when and where this occurred, and exactly what each person did and said.

15. Please upload any supporting documents you have, such as emails, texts, or screenshots of social media posts.

16. Is there anything you would like to add?

[SUBMIT button]

Thank you for reporting your concerns to the Public Schools of Brookline. A staff member will review your concerns the same or early the next school day, and determine next steps to investigate and/or address the incident(s). If you provided your contact information, a school-based or Central Office employee will contact you to request additional information and/or inform you that your concerns are being addressed, generally within three school days. If you have questions, please call a school administrator, or contact the Office of Student Services at 617-730-2447 or [liza\\_oconnell@psbma.org](mailto:liza_oconnell@psbma.org), or the Office of Educational Equity at (617) 730-2404 or [claire\\_gallowayjones@psbma.org](mailto:claire_gallowayjones@psbma.org).

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## Civil Rights and Bullying Incident Response Documentation Form - DRAFT

This form should only be filled out by school-based investigators regarding incidents where a PSB student is the subject (the person alleged to have violated the district's Student Civil Rights Policy or Bullying Prevention Policy).

### Section 1

If you have been made aware that a PSB student engaged or was alleged to have engaged in bias-based conduct, sexual misconduct, and/or bullying toward another PSB student, please complete the first section of this form within the same school day if possible, but always within 48 hours of the incident or report of the incident.

### Section 2

Section 2 must be completed within 10 days of the incident or report of the incident. Information in your report, including the names of the parties involved, will be kept confidential to the extent practicable. PSB does not tolerate any form of retaliation against individuals who report a possible policy violation or participate in an investigation. The Office of Student Services will follow up with you to schedule a time to further discuss your submission, if needed.

NOTE: In some situations, you may be able to complete both sections on the same day. However, you may be asked to update the form if the Office of Student Services has clarifying questions.

As you plan and conduct the investigation, you are encouraged to review the district's student civil rights and bullying prevention policies and protocols. If you have any questions, you may contact the Office of Student Services at 617-730-2447.

If you are NOT a school-based investigator and would like to report misconduct towards yourself or someone else, please fill out the Community Incident Reporting Form instead.

\* Indicates required question

### **School-Based Investigator Information**

Please complete the following fields with your information.

DO NOT PROCEED with completing this form if you are not specifically designated by your school leader to complete the investigation. Please contact your principal/head of school to confirm if you are not sure you have been designated.

1. Email \*

2. Today's Date \*

Example: January 7, 2025

3. Investigator's Name \*

4. Investigator's School \*

Mark only one oval.

Amos A. Lawrence School

Brookline Early Education Program

Brookline High School

Edith C. Baker School

Florida Ruffin Ridley School

John D. Runkle School

John Pierce School

Michael Driscoll School

Roland Hayes School

William H. Lincoln School

Unknown

5. Role at Your School (e.g. principal, assistant head of school, social worker, dean, etc.) \*

6. Investigator's Preferred Phone Number \*

### **Incident Information**

7. What is the nature of the incident(s) you are reporting? \*

Check all that apply.

Bias-Based Conduct By a Student Toward a Student

Sexual Misconduct By a Student Toward a Student

Bullying by a Student Toward a Student

Other Student Misconduct (please check with the Office of Student Services to confirm next steps if the incident(s) include misconduct that does not fall in the previous three categories)

8. Date, Time, and Location of the Incident(s) \*

9. If the incident occurred on a PSB bus, please provide the bus number here.

10. Please describe the incident(s) in as much detail as possible, including who was involved or present, and where and when the incident(s) occurred. \*

For example, if the incident involved a comment, please provide a quote of what was said as accurately as possible. If the incident involved physical contact, please describe the exact location and nature of the touch (e.g. which body parts were touched, over or under the clothes, light or rough touch, etc.). These details will help determine what additional steps need to be taken.

### **Student Information**

Please complete the following fields with information about the students involved in the incident. If any of this information is not yet known, specify "Unknown."

11. Student LASID Number(s) and Grade Level(s) of Subject(s) of the Investigation

12. Student LASID Number(s) and Grade Level(s) of Target(s) of the Alleged Misconduct

13. Student LASID Number(s) and Grade Level(s) of Witness(es) of the Alleged Misconduct

14. Name and Role of Any Adult Witness(es), such as employees or parents

15. To your knowledge, has the subject been involved in any previous bullying, bias-based, or sexual misconduct incidents? (If there is more than one subject, indicate yes if you are aware at least one of the subjects has previously been involved in this type of misconduct.) \*

Mark only one oval.

Yes

No

Unsure

### **Notification Requirements**

Please complete the following fields to indicate who has been notified. If you have not yet notified the required parties, please do so now before completing the rest of this section.

16. Has a 51A been filed? \*

A 51A must be filed if an incident constitutes sexual or other violence, or threats of violence. If you have any questions about whether this incident constitutes sexual violence, please contact the Office of Student Services immediately.

Mark only one oval.

Yes

No

17. Has the Brookline Police Department been contacted? \*

The Brookline Police Department must be contacted if an incident constitutes sexual or other serious violence, or serious threats of violence. If you have any questions about whether this incident constitutes sexual or other serious violence or threats, please contact the Office of Student Services immediately.

Mark only one oval.

Yes

No

18. Has the target's parent/caregiver been notified? \*

In some circumstances, you may not be able to notify the target's parent/caregiver (e.g., concern regarding the target's safety). If this is the case, please select "Other" below and provide relevant information.

Mark only one oval.

Yes

No (If not, explain why in "Other")

Other:

19. Has the subject's parent/caregiver been notified? \*

In some circumstances, you may not be able to notify the subject's parent/caregiver (e.g., a concern regarding the subject's safety). If this is the case, please select "Other" and provide relevant information.

Mark only one oval.

Yes

No (If not, explain why in "Other")

Other:

## PAUSE HERE

If you have completed Section 1 above regarding the initial incident, but have not started the investigation: Please press "next" below, scroll past all of Section 2, and submit this Section 1 within the same school day if possible, but always within 48 hours

of the incident. You will have the opportunity to return to edit this form later if you wish. After you submit Section 1, the Office of Student Services will follow up with you within 48 hours to confirm receipt of the form, and/or set up a time to discuss the incident if we have questions.

If you have completed Section 1 regarding the initial incident(s), and have completed the investigation: Please press "next" below to begin completing Section 2.

### **Investigation Summary**

Please begin completing this section of the form only if you have:

- Completed Section 1 of this form regarding the initial incident(s).
- Concluded your investigation into the incident(s).
- Contacted the Office of Student Services if the incident involves sexual or other violence, or threats of violence.

When completing Section 2 of this form, please answer all required questions.

#### **20. Has the target been interviewed? \***

In some circumstances, you may not be able to interview a target (e.g. if a student is nonverbal or has stopped attending school). If this is the case, please select "Other" and provide relevant information.

Mark only one oval.

Yes

No (If not, explain why in "Other")

Other:

#### **21. Target Interview: Summary of Allegation(s) (Required if applicable)**

Please provide a written summary of the target's allegations. If you collected one or more written statements or electronic evidence from the target, please upload them at the end of the form.

#### **22. Has the subject been interviewed? \***

In some circumstances, you may not be able to interview a subject (e.g. if a student is nonverbal or has stopped attending school). If this is the case, please select "Other" and provide relevant information.

Mark only one oval.

Yes

No (If not, explain why in "Other")

Other:

23. Subject Interview: Summary of Response to Allegation(s) (Required if applicable)

Please provide a written summary of your conversation with the subject. If you collected one or more written statements or electronic evidence from the subject, please upload them at the end of the form.

24. Have any witnesses been interviewed? \*

Please provide a written summary of your conversations with any student or adult witnesses. If you collected one or more written statements or electronic evidence from a witness, please upload them at the end of the form.

Mark only one oval.

Yes

No

Other:

25. Witness Interview(s) (Required if applicable)

Please provide a written summary of your conversations with witnesses.

26. Provide Student LASID numbers here that were not submitted with Section 1 of this form for any subject, target, or student witness who was interviewed or who submitted a written statement or other evidence. (Required if applicable)

27. Was there a finding of a violation of the PSB Student Civil Rights Policy? \*

Mark only one oval.

Yes

No

If yes, check all that apply.

There was a finding of bias-based conduct.

There was a finding of sexual misconduct.

28. Was there a finding of a violation of the PSB Bullying Prevention Policy? \*

Mark only one oval.

Yes

No

29. Please explain why you did or did not find a violation of the PSB Student Civil Rights Policy



and/or Bullying Prevention Policy. \*

30. If a policy violation was found, was this documented on Aspen? \*

Mark only one oval.

Yes

No, there was no policy violation.

31. Please provide information about how the Code of Conduct was applied and/or other remedial measures taken based on your findings. (Required if applicable)

Check all that apply.

Counseling and/or Coaching

Detention

Suspension

Restorative Practices

Mediation

Classroom Instruction (e.g., lesson about racism or consent)

Safe Person

Safety Plan

None

Other:

32. If the student received a detention or suspension, please enter the number of days here.

33. Have the parents/caregivers of all involved students been notified of the results of the investigation? \*

Mark only one oval.

Yes

No (If not, explain why in "Other")

Other:

### **Investigation Documents**

Please compile and upload any written statements, screenshots, or other relevant documents or electronic evidence that were collected as part of the investigation. You may upload up to 10 documents. If you need to submit additional documentation, please email them to ???.

Files submitted:

34. Is there any other information that you would like to share with the Office of Student Services that may be relevant to this investigation?



# Student Civil Rights & Bullying Incident Response Protocol<sup>1</sup>

Office of Educational Equity and Office of Student Services  
Effective XX, 2025

## Table of Contents

Relevant PSB Policies

Key Definitions

Expectations for School Investigators and Other School Staff

- Mandatory reporting of possible abuse or neglect
- Mandatory reporting and investigation - Student Civil Rights and Bullying
- Training for school investigators and all district staff

Student-on-Student Bias Incident Response Protocol

Bias Incident Response Protocol Checklist

Student-on-Student Sexual Misconduct Incident Response Protocol

Sexual Misconduct Response Protocol Checklist

Student-on-Student Bullying Response Protocol, Including Bias-Based Bullying

Bullying Response Protocol Checklist

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<sup>1</sup>Thank you to the Boston Public Schools for sharing their investigative protocols with the Public Schools of Brookline, upon which this document is largely based.

# Relevant Public Schools of Brookline Policies

The Public Schools of Brookline is committed to ensure that all members of our learning and working community are free of bias-based conduct, sexual misconduct, and bullying. The district's relevant policies include:

**Student Civil Rights Policy:** Expectations and guidance regarding preventing and addressing bias-based and sexual misconduct that impacts students, as well as students rights to an accommodation based on their disability, pregnancy or parenting status, or religion.

**Bullying Prevention and Intervention Plan:** Expectations and guidance regarding preventing and addressing repeated targeting of a student.

**Employee Code of Conduct:** Expectations and guidance regarding staff conduct, and disciplinary actions to address any misconduct.

**Student Code of Conduct:** Expectations and guidance regarding student conduct, and disciplinary actions to address any misconduct.

## Key Definitions

The following are relevant definitions used by the district pertaining to student civil rights and bullying investigations. These definitions are drawn from the policies listed above.

**Bias-Based Conduct:** Any action against a student or employee based on their membership in a protected category.

**Bullying:** A student(s) (or a PSB employee's) *repeated* written, verbal or electronic communication and/or physical act or gesture that targets a student, causing them physical or emotional harm, damage to their property, places them in reasonable fear of harm to themselves and/or their property; and/or disrupts their learning environment and access to education.

**Sexual Misconduct:** Inappropriate sexual comments, gestures, text messages, social media postings, or other communications, or any inappropriate sexual touching involving a student.

### Parties in an Investigation:

- The **Subject** of the investigation is the student(s) or employee(s) who allegedly engaged in misconduct toward a student.
- The **Target** of the investigation is the student(s) who allegedly was impacted by misconduct.
- A **Witness** is any other student or staff member who may have information relevant to the investigation.
- A **School Investigator** is a school-based staff member trained and designated to investigate possible misconduct.
- A **Central Office Investigator** is a PSB staff member from the Office of Student Services, Educational Equity, or Human Resources who is trained and designated to investigate possible misconduct.

**Consent:** Clear, active agreement and permission to engage in any form of verbal or nonverbal sexual communication or activity with another person. The initiator of the sexual contact is responsible for obtaining consent before engaging in any sexual contact. Consent must be voluntary, and can be withdrawn by either party at any point. Consent to engage in one sexual activity cannot be presumed to constitute consent to

engage in a different sexual activity or to engage again in a sexual activity. Finally, consent cannot be validly given by a person who is incapacitated or under the age of sixteen.

**Sexual Violence:** Any sexual activity that is forced, coerced, or unwanted may constitute sexual violence, such as touching intimate body parts. Sexual violence also includes any sexual act against another person who is incapable of giving consent, either because of their temporary or permanent mental or physical incapacity, or because they are under the age of sixteen.

**Protected Categories:** Students may not be targeted with different treatment, disparaging remarks, or other forms of bias-based conduct related to their membership in any of the following identities.

- Ancestry: Ethnic heritage, such as the country where a student's parent or grandparent was born.
- Race: The racial category(ies) a student self-identifies as, such as Black, Latina/o/e, Asian, Middle Eastern, or White.
- National Origin: The country where a student was born.
- Color: The amount of melanin in a student's complexion.
- Natural or Protective Hairstyle: A natural or protective hairstyle is a term predominantly used to describe hairstyles suitable for Afro-textured hair. Natural hairstyles haven't been altered by chemical straighteners; protective hairstyles are designed to minimize manipulation and exposure of the hair to environmental elements, such as braids or twists.
- Sex: The classification of a person as female, male, or intersex based on a visual assessment of external anatomy at birth.
- Gender Identity: A student's internal, individual experience of gender. It's not necessarily visible to others, and may or may not align with what society expects based on assigned sex. Examples include transgender, gender nonbinary, or cisgender.
- Sexual Orientation: Describes a student's potential for romantic and/or sexual interest in other people, and may form the basis for aspects of one's identity and/or behavior. Examples include heterosexual, queer, pansexual, and asexual.
- Religion: A student's sincerely held spiritual beliefs.
- Pregnancy and Parenting Status: Whether a student is currently pregnant, or playing an active role in raising a child.

- Disability: A substantial physical or mental limitation to a student's ability to engage in a major life activity, such as seeing, hearing, walking, learning, or interacting with others.
- Genetics: The results of DNA testing indicating a student is more likely than the general population to develop a particular medical condition in the future, such as carrying the Breast Cancer gene (BRCA).
- Homelessness: A student who is not currently in permanent housing (but has the right to continue to be transported to and attend PSB).
- Retaliation: A student who reports possible bias-based conduct, sexual misconduct, or bullying, or who otherwise participates in an investigation, is protected from retaliation of any kind, such as being excluded from a school activity or receiving a lower grade than they earned on a test.

# Expectations for School Investigators and Other School Staff

## Mandatory reporting of possible abuse or neglect

All PSB employees, regardless of their role, are [mandated reporters](#) of possible abuse or neglect of a child. This includes any allegation of sexual violence, or other forms of serious violence or threats at school or at home.

All employees must report concerns regarding possible child abuse or neglect to a school administrator, who will then determine whether to file a 51-A report with the Department of Children and Families. Detailed information about what types of allegations trigger the obligation to report are provided in the protocols below.

## Mandatory reporting and investigation - Student Civil Rights and Bullying

All employees **must report** possible bias-based or sexual misconduct and/or bullying toward students to a school administrator or the district's Office of Student Services or Office of Educational Equity. Every report must and will be addressed promptly and thoroughly by a school and/or Central Office administrator, depending on the circumstances.

When a school administrator becomes aware of possible bias-based or sexual misconduct and/or bullying toward a student that, if substantiated, would violate one or more PSB policies, the first step is to **identify who will take the lead in an investigation**. Some investigations are quite brief, because a staff member witnessed the incident or there is electronic evidence. Other investigations are more complex, and may involve interviewing multiple students.

Student-to-student incidents are generally investigated by a school leader or another school administrator selected by the school leader. If the allegations are very serious, or if the person alleged to have engaged in the misconduct is an employee, a Central Office administrator may be selected to conduct the investigation. What is essential is



that the investigation begin immediately (generally during the same school day), and follow the protocols outlined in this document.

## **Training for school investigators and all district staff**

School administrators who may be designated as student civil rights or bullying investigators must complete initial training provided by the Office of Student Services and Office of Educational Equity. Mandatory refresher training will also be provided, approximately on an annual basis.

All district staff will be expected to attend annual briefings regarding their reporting responsibilities. These annual briefings will generally take place prior to the first day of each school year, and will highlight examples of incidents that trigger the duty to report, such as possible abuse, neglect, bias-based conduct, sexual misconduct, and bullying.

# Student-on-Student Bias Incident Response Protocol

If an incident involving possible bias-based conduct toward a student is reported, the school leader will determine if an investigation is needed, and if so, which school administrator will lead the investigation. If the allegation, if substantiated, would not rise to the level of a violation of the district's Student Civil Rights Policy, then an investigation is not needed. Instead, provide coaching, classroom instruction, alternative dispute resolution, restorative practices, or apply other informal prevention and resolution strategies.

If the allegations are very serious in nature or if an employee is alleged to have engaged in the misconduct, please consult with the Office of Student Services, Office of Educational Equity, and/or Office of Human Resources to determine whether a Central Office administrator should lead the investigation.

The following is the protocol you should follow when an investigation is needed, and you are designated to conduct a school-based investigation into allegations of bias-based conduct. Please note that Steps 1 through 7 should generally be taken the same school day, with rare exceptions for allegations that are minor and/or received after the school day has ended.

## **Step 1: Becomes aware of possible bias-based conduct and assess the situation**

A school may receive a disclosure of possible bias-based conduct toward a student because a staff member witnesses the interaction, a student describes an incident to a staff member, or because a student, parent/caregiver, or other party submits a Community Incident Reporting Form. Once you learn that bias-based conduct toward a student at your school is alleged or may have occurred, whether the individual alleged to have engaged in the misconduct is an employee, student, or other party who interacts with PSB students, your first step is to assess the situation. As promptly as possible, gather the initial facts to determine who was involved, what may have happened, and where and when it may have occurred.

Whoever receives the allegation first must document the details shared with them. Ask the individual who originally reported the allegation to share enough of what happened to allow you to get an initial impression of the seriousness of the alleged incident(s). Note that this important immediate assessment does not take the place of gathering much more information later through investigative interviews and/or written or dictated statements.

If the situation constitutes serious violence or threats, contact the Brookline Police Department by dialing 911. Consult with the Office of Student Services if you are unsure whether the alleged incident constitutes serious violence or threats.

If anyone was injured, seek medical attention for that person and include a description of any injuries when you document the steps you have taken. If any immediate intervention is needed to ensure a student's safety, take those steps.

In rare instances, a bias incident will warrant filing a 51-A because it may constitute abuse of a child. If you have questions regarding whether the incident triggers your obligation to file with the Department of Children and Families, please contact Matt DuBois, Senior Director of Clinical Services and Social and Emotional Learning, at 617-730-2433 or [matthew\\_dubois@psbma.org](mailto:matthew_dubois@psbma.org).

## **Step 2: Determine who will take the lead in investigating the incident and all needed steps to address it**

After learning of possible bias-based conduct, gathering the initial facts, and implementing any necessary immediate safety measures (for example, separating the subject and the target), the school leader should determine who will take the lead in investigating. Generally, the lead investigator should be a school administrator who has been trained on this protocol.

If the incident is very serious or involves possible employee misconduct, it may make sense for a Central Office administrator to lead the investigation. If you are unsure whether a school administrator should take the lead, contact the Office of Student Services, Office of Educational Equity, and/or Office of Human Resources to make that decision together.

### **Step 3: Notify the parent(s)/caregiver(s) of the target(s)**

Let the parent(s)/caregiver(s) know the incident was reported, and that you are following the district's protocols in response, including maintaining confidentiality to the extent practicable. It may be helpful to tell them when they can expect to hear from you with an update on your investigation and other steps you will take.

Discuss what was reported, ask any needed questions for fact-finding, and explain the steps the school and/or district is taking. In addition, identify any needed support for the student.

If alerting the parent/caregiver could cause a safety issue, for example if the bias-based conduct was related to sexual orientation or gender identity, consult with the Office of Student Services about the possibility of declining to alert the parent(s)/caregiver(s).

### **Step 4: Notify the parent(s)/caregiver(s) of the subject(s) of the investigation**

Let the parent(s)/caregiver(s) know the incident was reported, and that you are following the district's protocols in response, including maintaining confidentiality to the extent practicable. It may be helpful to tell them when they can expect to hear from you with an update on your investigation and other steps you will take.

For reasons of confidentiality, do not inform the subject's family of the alleged target's identity or gender. Discuss what was reported, ask any needed questions for fact-finding, and explain the steps the school and/or district is taking. Clarify expectations moving forward, including maintaining confidentiality, and identify any needed support for the student. A student's off-track conduct is rooted in their personal history and challenges, and it is important to provide them with needed support as well.

### **Step 5: Consider whether communication with any other parents or staff is needed**

If the incident was witnessed by other students, or is being discussed widely either verbally or online, broader communication may be needed to the class, grade, or

occasionally, the school or even the district. In collaboration with the Office of Student Services, the school leader should determine if wider communication is warranted based on the impact on the learning environment. Any communication must maintain the confidentiality of all parties, and is typically issued within three school days of receiving the allegation(s). This communication aims to inform students, staff, and parents/caregivers of the incident, reiterate PSB's commitment to student civil rights, and explain the steps being taken to investigate and/or address what occurred. If you are considering this type of broader communication, please contact OSS to confer on the impetus, scope, and content.

## **Step 6: Create and implement a safety plan if needed**

Consider whether emergency interim safety measures (a "safety plan") are needed based on the seriousness of the allegations, and the likelihood of continued in-person or online interaction between the students involved. If so, tailor the safety plan to prevent any additional incidents and ensure that the students involved are able to fully engage in the school's programs and activities.

Communicate promptly and thoroughly with all staff needed to ensure consistent implementation of the safety plan so they understand their role in implementation. Details of the allegations should only be discussed with school staff to the extent necessary for safety plan implementation.

Components of a safety plan may include:

- Separating the students during instruction, either by moving the target of the conduct to a different classroom or a different section of the classroom.
- Placing trusted friends near the target, such as in learning groups or desk assignments.
- Rerouting students when walking between classes or activities.
- Ensuring monitoring of possible points of interaction, such as during class transitions.
- Preventing electronic contact between the students by placing a block on the target's phone.
- Apprising staff and parents/caregivers who are well situated to ensure implementation of any component of the safety plan, including bus drivers as appropriate.

- Regular check-ins with a trusted adult to ensure the plan is being implemented consistently, offer an opportunity to report any new incidents, and determine if any modifications are needed.

Generally, the plan should be put in writing and shared with staff and parents/caregivers. Discuss the plan with the impacted students in an age-appropriate manner to ensure their understanding and commitment to adhere to the plan, or even to have them sign a written agreement. A sample safety plan developed by the Los Angeles Unified School District is available [here](#).

## **Step 7: Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form**

Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form within the same school day if possible, but always within 48 hours of the incident. The form can be submitted digitally via this link. This document and all documents related to the investigation should be treated as confidential and sent to the Office of Student Services only. Only share this document or other related documents as directed by OSS, law enforcement authorities, or others as directed by OSS.

Section 1 of the form asks you to document the initial facts of the incident, including the names of the subject(s), target(s), witness(es), a brief description of the allegation, and the date/time/location of the reported incident. Finally, Section 1 asks you to confirm that all relevant parties have been contacted.

## **Step 8: Interview all relevant parties and/or collect written statements**

Investigate and document the allegations to determine if a violation of any PSB policy has occurred. Complete the investigation within 10 days of the incident or receiving a report of an incident. If the investigation will take longer than 10 days due to unusual circumstances, inform the parent/caregiver(s) of the students involved.

PSB employees and students are obligated to cooperate with any investigation of possible bias-based conduct, including promptly providing any requested information or electronic evidence.

Information regarding the allegations, including the parties involved in the report and the investigation, must be kept confidential to the extent practicable. During the investigation, the parties involved (the alleged target of the misconduct and the subject of the allegations) should not be asked to participate together in any discussion of the incident under any circumstances.

Begin each interview with a reminder of the party's obligation to maintain confidentiality, and of the protection from retaliation for reporting the incident(s) or participating in the investigative process.

When interviewing students, consider who the student's most trusted adult is. It may be helpful to have that person sit in the interview or conduct the interview depending on their role, training, and skill set. Take detailed notes during the interviews, and/or request that the individual write a statement. If a student or other party prefers to make their statement verbally, always honor that request. Consider any accommodations that may be needed for students with an IEP or 504 Plan, or whether interpretation would improve the quality of the interview.

If a student from another PSB school is involved in the situation, consider who would be best to interview them. The interviewer should be an administrator or other trusted adult at the school they attend who has the needed training and skill set.

Continue to assess the need for a safety plan or any needed modifications to the safety plan.

## **Step 9: Collect any other relevant evidence**

Other relevant evidence may include emails, text messages, screenshots of social media posts, or video footage. You may ask the student or other parties to provide this evidence. PSB staff may have the right to confiscate and search a student's phone for relevant communications or images if they have a reasonable suspicion that a district policy has been violated, and that there is something on the phone that constitutes evidence of that violation. Please consult Town Counsel regarding students' privacy rights.

## **Step 10: Determine whether any policy violation(s) occurred**

After all relevant parties are interviewed or have submitted statements, and any other evidence has been reviewed, determine whether any PSB policy has been violated. These investigative determinations use a “preponderance of evidence standard.” If it is more likely than not (at least 51% likely) that a policy violation occurred, that is sufficient evidence.

If a student’s conduct violated the district’s Code of Conduct, proceed with disciplinary procedures. In addition, depending on the nature and severity of the findings, assess what preventive, remedial, and restorative practices will help address what occurred, including classroom instruction, training, alternative dispute resolution, or restorative practices.

### **Step 11: Submit Section 2 of the Civil Rights & Bullying Response Documentation Form**

Submit Section 2 of the Civil Rights & Bullying Response Documentation Form within 10 days of the incident (or learning of the incident). The form can be submitted digitally via this link. The form includes required documentation of witness statements, the subject’s response to the allegation(s), any findings, and all actions taken to address the incident(s). All reports submitted through the Civil Rights & Bullying Incident Response Documentation Form will be reviewed by the Office of Student Services.

### **Step 12: Notify parent(s)/caregiver(s) of the outcome of the investigation**

Notify parent(s)/caregiver(s) whether the allegation was substantiated and whether any PSB policy was violated. Consider the best way to communicate with the particular family. Generally, it is a best practice to call the parent/caregiver and then immediately send a formal email following the call.

Generally, the only information shared with the parent(s)/caregivers(s) is the fact that the investigation is complete and whether there was a policy violation found. The main exception is when a Code of Conduct Violation is found. In these instances, follow the additional required notification protocols. Be sure not to tell a parent/caregiver about any disciplinary actions taken involving students other than their own. They are only



entitled to know whether there was a policy violation found, and that it was addressed consistent with district policies and protocols.

### **Step 13: Consider and implement any needed followup**

Depending on the nature of the incident(s) and the findings, consider relevant instruction for the students' classroom (such as age-appropriate lessons about racial slurs or Islamophobia), restorative practices, alternative dispute resolution, or other proactive steps to prevent future bias-based conduct and repair relationships. For more information on available resources, contact the Office of Educational Equity.

# Bias Incident Response Protocol Checklist

Generally, steps 1 through 7 are completed within the same school day. Steps 8 through 12 are completed within 10 days. Step 13 (follow-up) may be immediate or ongoing.

- ☐ 1. Become aware of possible bias-based conduct, and assess the situation.
- ☐ 2. Determine who will take the lead in investigating the incident and all needed steps to address it.
- ☐ 3. Notify the parent(s)/caregiver(s) of the target(s) of the possible bias-based conduct.
- ☐ 4. Notify the parent(s)/caregiver(s) of the subject(s) of the investigation.
- ☐ 5. Consider whether communication with any other parents or staff is needed.
- ☐ 6. Create and implement a safety plan if needed.
- ☐ 7. Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form.
- ☐ 8. Interview all relevant parties and/or collect written statements.
- ☐ 9. Collect any other relevant evidence.
- ☐ 10. Determine whether any policy violation(s) occurred.
- ☐ 11. Submit Section 2 of the Civil Rights & Bullying Response Documentation Form.
- ☐ 12. Notify parent(s)/caregiver(s) of the outcome of the investigation.
- ☐ 13. Consider and implement any needed followup.

# Student-on-Student Sexual Misconduct Incident Response Protocol

If an incident involving possible sexual misconduct toward a student is reported, the school leader will determine if an investigation is needed, and if so, which school administrator will lead the investigation. If the allegation, if substantiated, would not rise to the level of a violation of the district's Student Civil Rights Policy, then an investigation is not needed. Instead, provide coaching, classroom instruction, alternative dispute resolution, restorative practices, or apply other informal prevention and resolution strategies.

The following is the protocol you should follow when an investigation is needed, and you are designated to conduct a school-based investigation into allegations of sexual misconduct. Please note that Steps 1 through 7 should generally be taken the same school day, with rare exceptions for allegations that are minor and/or received after the school day has ended.

## Step 1: Receive a disclosure or report of possible sexual misconduct and assess the situation

A school may receive a disclosure of possible sexual misconduct toward a student because a staff member witnesses the interaction, a student describes an incident to a staff member, or because a student, parent/caregiver, or other party submits a Community Incident Reporting Form.

Once you learn that sexual misconduct toward a student at your school is alleged or may have occurred, whether the individual alleged to have engaged in the misconduct is an employee, student, or other party who interacts with PSB students, your first step is to assess the situation.

- A. **If a student discloses that they experienced sexual violence**, such as unwanted touching or unwanted sexual advances at home, at school, at a weekend social gathering, or online, whoever receives the disclosure first must document the details shared with them. In these situations, the student cannot be interviewed more than once by a PSB employee, and should only be interviewed briefly with

one adult in the room. This is because the disclosure may trigger a criminal investigation, and the next interview may be with a law enforcement officer or other forensic interviewer.

In these instances, ensure that the student who disclosed sexual violence or other egregious sexual misconduct is not interviewed by any other PSB employee subsequent to the initial disclosure, unless otherwise specifically directed by law enforcement, the state Department of Children and Families (DCF), or the Office of Student Services. To minimize the alleged target's emotional distress and preserve the integrity and reliability of any criminal investigation, the initial disclosure conversation should be limited to the essential facts. The PSB staff member who first receives the report must document the conversation as thoroughly as possible.

If the situation may constitute sexual violence or threats, contact the Brookline Police Department by dialing 911. Consult with the Office of Student Services if you are unsure whether the alleged incident constitutes sexual violence or threats.

If anyone was injured, seek medical attention for that person and include a description of any injuries when you document the steps you have taken. If any immediate intervention is needed to ensure a student's safety, take those steps.

Generally, possible sexual violence or threats triggers your obligation as a mandatory reporter to file a 51-A Report because it may constitute abuse of a child. As mandated reporters, PSB employees are required to report situations when there is reasonable cause to believe a student is suffering from any physical or emotional injury that causes harm or a substantial risk of harm to their health or welfare.

When a 51-A Report is warranted, contact the Department of Children and Families (DCF) to file that same day (or in rare circumstances, early the following morning).

If you have questions regarding whether the incident triggers your obligation to file with the Department of Children and Families, please contact Matt DuBois, Senior Director of Clinical Services and Social and Emotional Learning, at 617-730-2433 or [matthew\\_dubois@psbma.org](mailto:matthew_dubois@psbma.org). If the alleged subject is over 18

years old, under 7 years old, or has a disability that might manifest as inappropriate conduct, please call Dr. Dubois for consultation prior to filing a 51A.

- B. If a student discloses or it is reported that they experienced sexual misconduct that **would not constitute sexual violence** (if substantiated), as promptly as possible, gather the initial facts to determine who was involved, what may have happened, and where and when it may have occurred. Ask the individual who originally reported the allegation to share enough of what happened to allow you to get an initial impression of the seriousness of the alleged incident(s), and to document what they heard or received in writing. Note that this important immediate assessment does not take the place of gathering much more information later through investigative interviews and/or written or dictated statements.

## **Step 2: Determine who will take the lead in investigating the incident and all needed steps to address it**

After learning of possible sexual misconduct, gathering the initial facts, fulfilling mandatory reporting responsibilities (if it might constitute sexual violence), and implementing any necessary immediate safety measures (for example, separating the subject and the target), the school leader should determine who will take the lead in investigating. Generally, the lead investigator should be a school administrator who has been trained on this protocol.

If the incident is very serious or involves possible employee misconduct, it may make sense for a Central Office administrator to lead the investigation. If you are unsure whether a school administrator should take the lead, contact the Office of Student Services, Office of Educational Equity, and/or Office of Human Resources to make that decision together.

## **Step 3: Notify the parent(s)/caregiver(s) of the target(s) of the misconduct**

Let the parent(s)/caregiver(s) know the incident was reported, and that you are following the district's protocols in response, including maintaining confidentiality to the extent practicable. It may be helpful to tell them when they can expect to hear from you with an update on your investigation and other steps you will take.

Discuss what was reported, ask any needed questions for fact-finding, and explain the steps the school and/or district is taking, including if the police have been contacted or if a 51-A report was filed. In addition, identify any needed support for the student.

If alerting the parent/caregiver could cause a safety issue, for example if the incident was related to or might disclose the student's sexual orientation or gender identity, consult with the Office of Student Services about the possibility of declining to alert the parent(s)/caregiver(s).

#### **Step 4: Notify the parent(s)/caregiver(s) of the subject(s) of the investigation**

Let the parent(s)/caregiver(s) know the incident was reported, and that you are following the district's protocols in response, including maintaining confidentiality to the extent practicable. It may be helpful to tell them when they can expect to hear from you with an update on your investigation and other steps you will take.

For reasons of confidentiality, do not inform the subject's family of the alleged target's identity or gender. Discuss what was reported, ask any needed questions for fact-finding, and explain the steps the school and/or district is taking, including if the police have been contacted or if a 51-A report was filed. Clarify expectations moving forward, including maintaining confidentiality, and identify any needed support for the student. A student's off-track conduct is rooted in their personal history and challenges, and it is important to provide them with needed support as well.

#### **Step 5: Consider whether communication with any other parents or staff is needed**

If the incident was witnessed by other students, or is being discussed widely either verbally or online, broader communication may be needed to the class, grade, or occasionally, the school or even the district. In collaboration with the Office of Student Services, the school leader should determine if wider communication is warranted based on the impact on the learning environment. Any communication must maintain the confidentiality of all parties, and is typically issued within three school days of receiving the allegation(s). This communication aims to inform students, staff, and parents/caregivers of the incident, reiterate PSB's commitment to student civil rights, and explain the steps being taken to investigate and/or address what occurred. If you

are considering this type of broader communication, please contact OSS to confer on the impetus, scope, and content.

## **Step 6: Create and implement a safety plan if needed**

Consider whether emergency interim safety measures (a “safety plan”) are needed based on the seriousness of the allegations, and the likelihood of continued in-person or online interaction between the students involved. If so, tailor the safety plan to prevent any additional incidents and ensure that the students involved are able to fully engage in the school’s programs and activities.

Communicate promptly and thoroughly with all staff needed to ensure consistent implementation of the safety plan so they understand their role in implementation. Details of the allegations should only be discussed with school staff to the extent necessary for safety plan implementation.

Components of a safety plan may include:

- Separating the students during instruction, either by moving the target of the conduct to a different classroom or a different section of the classroom.
- Placing trusted friends near the target, such as in learning groups or desk assignments.
- Rerouting students when walking between classes or activities.
- Ensuring monitoring of possible points of interaction, such as during class transitions.
- Preventing electronic contact between the students by placing a block on the target’s phone.
- Apprising staff and parents/caregivers who are well situated to ensure implementation of any component of the safety plan, including bus drivers as appropriate.
- Regular check-ins with a trusted adult to ensure the plan is being implemented consistently, offer an opportunity to report any new incidents, and determine if any modifications are needed.

Depending on the nature of the situation, it may be helpful to put the plan in writing and share it with staff and parents/caregivers. It may be appropriate to discuss the plan with the impacted students in an age-appropriate manner to ensure their understanding and commitment to adhere to the plan, or even to have them sign a

written agreement. A sample safety plan developed by the Los Angeles Unified School District is available [here](#).

## **Step 7: Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form**

Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form within the same school day if possible, but always within 48 hours of the incident. The form can be submitted digitally via this link. This document and all documents related to the investigation should be treated as confidential and sent to the Office of Student Services only. Only share this document or other related documents as directed by OSS, law enforcement authorities, or others as directed by OSS.

Section 1 of the form asks you to document the initial facts of the incident, including the names of the subject(s), target(s), witness(es), a brief description of the allegation, and the date/time/location of the reported incident. Finally, Section 1 asks you to confirm that all relevant parties have been contacted.

**If the allegation may result in a criminal investigation, **PAUSE** here and do not take any remaining steps at this time.**

When an allegation may lead to criminal charges, PSB must defer to law enforcement officials, and delay the district's investigation until law enforcement determines if they are pursuing charges. Steps 8 through 13 should not be completed until the Brookline Police Department or Norfolk District Attorney's Office informs you that the investigation has been "unpaused."

In some cases, the criminal investigation takes weeks or even months, and the district's legal obligation to investigate under Title IX may warrant proceeding without final word from law enforcement officials. Please consult with Town Counsel if you have waited more than two weeks to be informed whether there will be criminal charges.

## **Step 8: Interview all relevant parties and/or collect written statements**

Investigate and document the allegations to determine if a violation of any PSB policy has occurred. Investigate and document the allegations to determine if a violation of any PSB policy has occurred. Complete the investigation within 10 days of the incident



or receiving a report of an incident. If the investigation will take longer than 10 days due to unusual circumstances, inform the parent/caregiver(s) of the students involved.

PSB employees and students are obligated to cooperate with any investigation of possible sexual misconduct, including promptly providing any requested information or electronic evidence. Information regarding the allegations, including the parties involved in the report and the investigation, must be kept confidential to the extent practicable. During the investigation, the alleged target of the misconduct should not discuss the incident with the subject of the concern present under any circumstances.

Begin each interview with a reminder of the party's obligation to maintain confidentiality, and of the protection from retaliation for reporting the incident(s) or participating in the investigative process.

When interviewing students, consider who the student's most trusted adult is. It may be helpful to have that person sit in the interview or conduct the interview depending on their role, training, and skill set. Take detailed notes during the interviews, and/or request that the individual write a statement. If a student or other party prefers to make their statement verbally, always honor that request. If the student has an IEP or 504 Plan, you are required to consult with their support team to determine whether any accommodations or extra support would be helpful during the interview. Lastly, consider whether interpretation would improve the quality of the interview.

If a student from another PSB school is involved in the situation, consider who would be best to interview them. The interviewer should be an administrator or other trusted adult at the school they attend who has the needed training and skill set.

Continue to assess the need for a safety plan or any needed modifications to the safety plan.

## **Step 9: Collect any other relevant evidence**

Other relevant evidence may include emails, text messages, screenshots of social media posts, or video footage. You may ask the student or other parties to provide this evidence. PSB staff may have the right to confiscate and search a student's phone for relevant communications or images if they have a reasonable suspicion that a district policy has been violated, and that there is something on the phone that constitutes

evidence of that violation. Please consult Town Counsel regarding students' privacy rights.

### **Step 10: Determine whether any policy violation(s) occurred**

After all relevant parties are interviewed or have submitted statements, and any other evidence has been reviewed, determine whether any PSB policy has been violated. These investigative determinations use a "preponderance of evidence standard." If it is more likely than not (at least 51% likely) that a policy violation occurred, that is sufficient evidence.

If a student's conduct violated the district's Code of Conduct, proceed with disciplinary procedures. In addition, depending on the nature and severity of the findings, assess what preventive, remedial, and restorative practices will help address what occurred, including classroom instruction, training, alternative dispute resolution, or restorative justice.

### **Step 11: Submit Section 2 of the Civil Rights & Bullying Response Documentation Form**

Submit Section 2 of the Civil Rights & Bullying Response Documentation Form within 10 days of the incident (or learning of the incident). The form can be submitted digitally via this link. The form includes required documentation of witness statements, the subject's response to the allegation(s), any findings, and all actions taken to address the incident(s). All reports submitted through the Civil Rights & Bullying Incident Response Documentation Form will be reviewed by the Office of Student Services.

If the investigation was paused to defer to law enforcement, this deadline may be extended. Please consult with Town Counsel regarding the modified timeline.

### **Step 12: Notify parent(s)/caregiver(s) of the outcome of the investigation**

Notify parent(s)/caregiver(s) whether the allegation was substantiated and whether any PSB policy was violated. Consider the best way to communicate with the

particular family. Generally, it is a best practice to call the parent/caregiver and then immediately send a formal email following the call.

Generally, the only information shared with the parent(s)/caregivers(s) is the fact that the investigation is complete and whether there was a policy violation found. The main exception is when a Code of Conduct Violation is found. In these instances, follow the additional required notification protocols. Be sure not to tell a parent/caregiver about any disciplinary actions taken involving students other than their own. They are only entitled to know whether there was a policy violation found, and that it was addressed consistent with district policies and protocols.

### **Step 13: Consider and implement any needed followup**

Depending on the nature of the incident(s) and the findings, it may be helpful to consider relevant instruction for the students' classroom (such as age-appropriate lessons about consent), restorative practices, alternative dispute resolution, or other proactive steps to prevent future sexual misconduct and repair relationships. For more information on available resources, contact the Office of Educational Equity.

# Sexual Misconduct Response Protocol Checklist

Generally, steps 1 through 7 are completed within the same school day. Steps 8 through 12 are completed within 10 days. Step 13 (follow-up) may be immediate or ongoing.

- ☐ 1. Receive a disclosure or report of possible sexual misconduct and assess the situation.
- ☐ A. If the incident may rise to the level of sexual violence, contact the Brookline Police Department and file a 51-A Report.
- ☐ 2. Determine who will take the lead in investigating the incident and all needed steps to address it.
- ☐ 3. Notify the parent(s)/caregiver(s) of the target(s) of the possible bias-based conduct.
- ☐ 4. Notify the parent(s)/caregiver(s) of the subject(s) of the investigation.
- ☐ 5. Consider whether communication with any other parents or staff is needed.
- ☐ 6. Create and implement a safety plan if needed.
- ☐ 7. Submit Section 1 of the Civil Rights & Bullying Incident Response Documentation Form.
- ☐ A. If the allegation may result in a criminal investigation, PAUSE here and do not take any remaining steps at this time. When authorized, proceed to Step 8.
- ☐ 8. Interview all relevant parties and/or collect written statements.
- ☐ 9. Collect any other relevant evidence.
- ☐ 10. Determine whether any policy violation(s) occurred.
- ☐ 11. Submit Section 2 of the Civil Rights & Bullying Response Documentation Form.
- ☐ 12. Notify parent(s)/caregiver(s) of the outcome of the investigation.
- ☐ 13. Consider and implement any needed follow-up.



## STUDENT CIVIL RIGHTS POLICY<sup>1</sup>

### 1. Commitment to Non-Discrimination

The Public Schools of Brookline is committed to maintaining an educational environment where students of all backgrounds and experiences are physically and psychologically safe, connected, encouraged, and can flourish. We aim to eliminate all forms of bias and bigotry, including discrimination based on race, color, age, physical or mental disability, pregnancy, homelessness, sex/gender, gender identity, religion, national origin, ancestry, sexual orientation, genetics, and natural or protective hairstyle. The Public Schools of Brookline is resolved that prejudice and disparate treatment will never impede our learners, consistent with our district goals:

- Joy in Learning
- Excellence in Teaching
- Culture of Collaboration
- Celebration of Differences
- Commitment to Equity
- Ethics of Wellness

Discriminatory behavior toward students of the Public Schools of Brookline, including intimidation, threats, or harassment by other students, employees, or anyone else who visits or is part of our learning community, is unacceptable and a violation of the Student Civil Rights Policy. Retaliatory conduct toward persons who have reported possible bias, discrimination, or inappropriate behavior, who have assisted in an investigation, or who have otherwise exercised their rights under this policy is also prohibited.

Conduct in violation of this policy includes any action, including verbal or nonverbal communication, that contributes to, promotes, or is complicit in disrupting the district's inclusive learning environment. Derogatory or intimidating statements, threats, acts of exclusion, or other mistreatment regarding a student's membership in or association with a member of a protected group, whether made in person or by telephone, postal

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<sup>1</sup> Thank you to the Boston Public Schools for sharing their Superintendent's Circulars with the Public Schools of Brookline, upon which this policy is largely based.

mail, email, text or other messaging, social media posting, or any other means, will not be tolerated.

While this policy is aimed at promoting a learning environment that is free of discrimination or harassment of any kind, it is not intended to limit the district's authority to discipline or take remedial action to address misconduct by a student, employee, or other community member that is found to be inappropriate and bias-based and/or sexual in nature, regardless of whether that misconduct satisfies the definition of discrimination or harassment under the law.

This policy extends to all educational practices and programs, including:

- School admission, enrollment, or transfer
- Access to learning, including instruction, services, guidance practices, and school-sponsored curricular and extracurricular activities
- Grading and testing
- Discipline
- Reasonable accommodation for disabilities or religious practices
- Other terms and conditions of education

Schools will vigorously implement and actively enforce this policy to ensure that all of its daily operations are characterized by fairness, respect, and equity. Any violation of this policy will be viewed as serious misconduct and may result in discipline, up to and including termination of the offending employee or discipline of the responsible student consistent with the district's Code of Conduct. Retaliation against any person who has reported a possible violation or participated in any manner in an investigation, proceeding, or hearing of a report of a violation of this policy, will similarly be viewed as serious misconduct and may also result in discipline (up to and including termination for district employees).

All Public Schools of Brookline newly printed publications (e.g., school handbooks) for students, parents/caregivers, current or prospective employees, and the general public must contain the following nondiscrimination notice:

The Public Schools of Brookline prohibits discrimination in its programs, facilities, or employment or educational opportunities on the basis of race, color, age, criminal record (inquiries only), disability, pregnancy, homelessness, sex/gender, gender identity, religion, national origin, ancestry, sexual orientation, genetics, natural or protective hairstyle, or military/veteran status, and does not tolerate any form of retaliation, or bias-based intimidation, threat, or harassment that demeans individuals' dignity or interferes with their ability to learn or work.

## **2. Defining Bias-Based Conduct Toward Students**

Students of the Public Schools of Brookline are protected from bias-based conduct or discrimination based on race, color, age, disability, sex/gender, gender identity, religion, national origin, ancestry, retaliation, sexual orientation, genetics, natural or protective hairstyle, or homelessness. Employees of the Public Schools of Brookline who become aware of any possible bias-based conduct toward or involving students must report the incident or concern to their school leader, supervisor, and/or the Office of Student Services as soon as practicable, generally within the same school day. The same standard applies to partners or contractors providing services in or under the auspices of the Public Schools of Brookline.

In some instances, bias-based conduct that violates this policy may also violate PSB's Bullying Prevention Policy because it involves the repeated use of a written, verbal, or electronic expression and/or a physical act or gesture directed at a student that causes physical or emotional harm to the student or damage to their property; places the student in reasonable fear of harm and/or damage to their property; and disrupts the student's education process or school operations. When misconduct may constitute both bias-based conduct and bullying, the reported incidents will be investigated under both policies.

Examples of unacceptable bias-based conduct include treating students differently because of their membership in a protected group, such that the treatment interferes with or limits the student's ability to participate in or benefit from an educational opportunity or extracurricular program. Bias-based conduct also includes derogatory verbal, written, print, or digital communication or conduct relating to a student's membership in a protected category. Any form of communication or physical action that creates an intimidating, threatening, or abusive educational environment will be immediately and thoroughly addressed.

Such conduct may originate with students as well as employees and may also be caused by other persons who participate, observe, or otherwise engage in a district-sponsored activity. Behavior that occurs in a location other than a Public Schools of Brookline (PSB) building or outside of PSB school or work hours may still constitute bias-based conduct and a violation of this policy if that behavior has the effect of disrupting a student's ability to learn.

Examples of inappropriate bias-based behavior toward students that may violate this policy include:

- Speaking or otherwise communicating derisively to or about a student because of their membership in a protected group, such as their race, including the use of slurs
- Telling or digitally circulating jokes that are derisive toward members of a

- particular group, such as a student of a particular religious faith
- Using insulting nicknames for members of a protected group, such as a female student
- Refusing to allow students to participate in any activity because of their membership in a protected group, such as their sexual orientation, and in the absence of a legitimate nondiscriminatory reason for the refusal
- Disciplining a student more frequently or more harshly because of their membership in a protected group, such as their national origin
- Displaying pictures or taking any action that is derisive to any student based on their membership in a protected group
- Refusal to use the gender identity affirming name and/or pronouns that a student has stated

Students sometimes experience “microaggressions”: verbal or nonverbal communication that is rooted in implicit bias but does not rise to the level of a violation of this policy. Examples include:

- Mistaking one student for another because they share the same racial identity
- Complimenting a student for having a skill that is counter to a stereotype regarding their gender or ethnicity
- Assuming a student observes a particular religious holiday or has a particular sexual orientation
- Asking a student about their disability without their consent and/or the consent of their parent/caregiver

When microaggressions are reported, a school administrator or other PSB designee will partner with the student, parent/caregiver, and appropriate school staff to determine an effective intervention, such as coaching, mediation, restorative justice, or individual, classroom, or school-wide instruction or training.

### **3. Defining Sexual Misconduct Toward Students**

The Public Schools of Brookline is committed to ensuring that students learn in an environment free of sexual misconduct. Sexual misconduct committed against a PSB student will not be tolerated.

Students participating in PSB academic, educational, extracurricular, athletic, and school programs or activities are protected from sexual misconduct by other students, parents/caregivers, PSB employees, contractors, and visitors. In addition, PSB students may be protected from sexual misconduct that occurs outside the context of a school’s education program, activity, or school property, if the behavior was in connection with a school program or activity which includes locations,



events, or circumstances over which the district exercised substantial control over both the person accused of the conduct and the context in which the sexual misconduct occurred.

The Public Schools of Brookline treats reports of sexual misconduct with the utmost seriousness. We will address any sexually inappropriate communication or behavior directed toward students, regardless of whether that conduct is unlawful.

For the purposes of this policy, sexual misconduct constitutes sexually inappropriate comments and/or behaviors of any kind, including sexual violence. Sexual violence is broadly defined as any sexual activity that is forced, coerced, or unwanted. It also includes any sexual act against another person who is incapable of giving consent, either because of their temporary or permanent mental or physical incapacity, or because they are a minor.

In some instances, sexual misconduct that violates this policy may also violate PSB's Bullying Prevention Policy because it involves the repeated use of a written, verbal, or electronic expression and/or a physical act or gesture directed at a student that causes physical or emotional harm to the student or damage to their property; places the student in reasonable fear of harm and/or damage to their property; and disrupts the student's education process or school operations. When misconduct may constitute both sexual misconduct and bullying, the reported incidents will be investigated under both policies.

Consent is defined as clear, active agreement and permission to engage in any form of verbal or nonverbal sexual communication or activity with another person. The initiator of the sexual contact is responsible for obtaining consent before engaging in any sexual contact. Consent can be withdrawn by either party at any point. Consent must be voluntary and may not be valid if a person is being subjected to an emotional, psychological, physical, reputational, or financial threat, intimidation, or coercion. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity. Consent cannot be validly given by a person who is incapacitated or under the age of sixteen.

Sexual violence may include criminal acts, such as indecent assault and battery, rape, abuse, or assault with intent to rape. Any acts that may be criminal will be referred to law enforcement. Examples of sexual violence may include, but are not limited to, the following:

- Unwelcome sexual touching, including touching of the breast, thigh, or genital area

- Non-consensual sexual contact that occurs during school or non-school hours, on or off school grounds, including dating violence
- Recruiting, transporting, obtaining, or providing a student of any gender for the purpose of sex

Other forms of sexual misconduct include unwelcome conduct of a sexual nature that denies or limits, on the basis of sex, a student's ability to participate in or to receive benefits, services, or opportunities in the school's program or activities. Examples of behavior that may constitute sexual misconduct depending upon the totality of the circumstances, the ages of the student or other individuals involved, and the severity and pervasiveness of the conduct, include but are not limited to:

- Sexual advances or requests for sexual favors, whether or not they involve touching
- Making an educational decision or benefit contingent upon a student's submission to unwelcome sexual conduct
- Offensive public sexual display of affection, including groping, fondling, gestures, or inappropriate touching of oneself or others
- Consensual groping, fondling, sexual touching, or sex in a PSB building, on school property, or at any school-sponsored activity
- Sexual jokes or references
- Comments regarding a student's body or a student's sexual activity or orientation
- Offensive name-calling or profanity that is sexually suggestive, sexually degrading, or based on sexual stereotypes or sexual orientation
- Different treatment because of a student's pregnancy status
- Displaying or distributing sexually explicit messages or images of any kind
- Trafficking of youth for sexual purposes, such as recruiting, transporting, or otherwise exploiting a minor in exchange for money, shelter, or food
- Sexual advances or contact, whether or not they are consensual, between a student and adult employee, contractor, or community partner
- Other verbal, nonverbal, or physical conduct of a sexual nature.

Any student, regardless of gender identity or sexual orientation, can be a target of sexual misconduct, and the alleged targets and the subject of the concern can be of the same or different genders.

PSB employees or volunteers who become aware of any possible sexual misconduct toward or involving students must report the incident or concern to their school leader or other school administrator, supervisor, and/or the Office of Student Services as soon as practicable, generally within the same school day. The same reporting requirement applies to community partners or contractors providing services to students in or under the auspices of the Public Schools of Brookline.

The above list of examples is not exhaustive. If you are unsure whether a student may have been a target of sexual misconduct or if you have knowledge of a possible incident of sexual misconduct involving a student, immediately contact your school principal/head of school, supervisor, or the Office of Student Services.

#### **4. Reporting Allegations of Bias-Based and Sexual Misconduct**

##### **Reports to School Administrators**

Students, parents/caregivers, and other community members are **encouraged** to report concerns regarding incidents that may constitute bias-based or sexual misconduct toward a student to their school's principal or head of school, or another school administrator. It is advised to file this report as close to the time of the incident as possible, as matters are generally more easily resolved the sooner they are reported. Reporting a possible violation will not be construed as reflecting unfavorably on a student, parent/caregiver, employee, or other community member's good standing, academic performance, loyalty, or desirability to the Public Schools of Brookline.

Please note that PSB employees are **required** to report any incidents they become aware of that may constitute bias-based or sexual misconduct toward a student, and may be subject to discipline for failing to report an incident and/or failing to report an incident timely. They may report an incident to a principal, head of school, the Office of Student Services, or any Central Office department head. Incidents that a PSB employee becomes aware of indirectly, such as from a written note or an overheard conversation, will also be investigated.

A school administrator will ask the reporter for information regarding the incident(s) and may request, though not require, that the reporter submit a written statement. The administrator will ensure that assistance is provided in preparing such a written statement if needed.

The principal or head of school (or their designee) will ensure that any next steps are carried out consistent with this policy and appropriately documented in partnership with the Office of Student Services. Anonymous reports will be investigated to the extent possible.

##### **Reports to the Office of Student Services**

Students, parents/caregivers, employees, or other community members who do not wish to seek assistance from their school's principal or head of school, or who are dissatisfied with a school administrator's steps to address a report, may bring their

concerns directly to the Office of Student Services (OSS). To report a concern to OSS, a student, parent/caregiver, or employee may:

- A. Write, call, or email Elizabeth O'Connell, Deputy Superintendent of Student Services, Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445, 617-730-2447, [liza\\_oconnell@psbma.org](mailto:liza_oconnell@psbma.org)
- B. Write, call, or email Claire Galloway-Jones, Executive Director of Educational Equity, Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445, or 617-730-2404, [claire\\_gallowayjones@psbma.org](mailto:claire_gallowayjones@psbma.org)
- C. Complete the Community Incident Reporting Form available at [link](#).

Nothing in this policy shall prevent a student, parent/caregiver, employee, or other community member from reporting a concern directly to the Office of Student Services.

A member of the Office of Student Services staff will ask the reporter for information regarding the incident(s) and may request, though not require, that the reporter submit a written statement. OSS will ensure that assistance is provided in preparing such a written statement if needed.

After a report is received, the Office of Student Services (or their designee) will notify the appropriate school leader(s) and/or the individual about whom the report has been filed. The Office of Student Services will designate a school administrator or OSS staff member to investigate or otherwise address the concern. Anonymous reports will be investigated to the extent possible.

## **5. Investigating Possible Bias-Based and/or Sexual Misconduct**

Detailed protocols regarding investigations of possible bias-based or sexual misconduct are provided in a separate document entitled, the *Public Schools of Brookline Student Civil Rights and Bullying Incident Response Protocol*. This policy provides basic information about the process.

PSB will take all concerns regarding possible bias-based or sexual misconduct seriously. Any interim measures needed to ensure the safety of the students involved and maintain their access to educational programs and activities must be taken upon receipt of the report consistent with district protocols.

PSB will promptly investigate allegations of bias-based or sexual misconduct even when the incident is being investigated by law enforcement or another entity. Our obligation is to determine if there has been a violation of this policy and/or the PSB Code of Conduct. The investigation will be conducted in a manner maintaining confidentiality to the extent practicable under the circumstances.

Generally, an employee will be designated to investigate who is an administrator at the school that the subject(s) of the investigation attends. The designated investigator must be thoroughly familiar with PSB policies and protocols, and ideally, will have completed investigative skills training and established meaningful relationships with most or all of the involved students and parents/caregivers.

In some instances, a central office administrator may be designated, for example, in cases where the allegations are egregious and/or where an employee is the subject of the investigation.

After receiving a report of bias-based or sexual misconduct, the school leader or other designated school administrator will determine and promptly take the next steps. Depending on the nature of the alleged incident, those steps may include:

- A. In the event of sexual or physical violence, contacting the Brookline Police Department, calling 911, and/or seeking assistance from the school nurse.
- B. Ensuring that a student who discloses sexual violence or other egregious sexual misconduct is not interviewed by any other PSB employee subsequent to the initial disclosure to preserve the integrity and reliability of any criminal investigation.
- C. Assessing the need for emergency interim safety measures (a “safety plan”) to actively prevent any additional incidents, and ensure that all of the students involved are able to fully engage in the school’s programs and activities.
- D. Contacting the Department of Children and Families (DCF) to file a 51A report that same day (or in rare circumstances, early the following morning) if the allegation warrants. As mandated reporters, PSB employees are required to report situations when there is reasonable cause to believe a student is suffering from any physical or emotional injury that causes harm or a substantial risk of harm.
- E. If the allegations are egregious, contacting the Office of Student Services for assistance in ensuring all needed steps are taken.
- F. Notifying the parent/caregiver(s) of the students who were directly impacted.
- G. Submitting Section 1 of the Civil Rights and Bullying Incident Response Documentation Form within the same school day, if possible, but always

within 48 hours of the incident.

- H. In collaboration with the Office of Student Services, determining if whole classroom or whole school community communication is warranted based on the impact on the learning environment.
- I. Investigating and documenting the allegation, including interviews with individuals who have pertinent information, and any other relevant evidence, such as documents, emails, text messages, social media posts, or video footage. PSB employees and students are obligated to cooperate with any investigation, including promptly providing any requested information or electronic evidence. Information regarding the allegations must be kept confidential to the extent practicable. During the investigation, the alleged target of the misconduct should not discuss the incident with the subject of the concern present under any circumstances.
- J. Completing the investigation within 10 days of the incident.
- K. Determining whether there was a violation of this policy, and if so, how to address what occurred consistent with the Code of Conduct. In addition, assess what preventive, remedial, and restorative practices will help address the incident(s), including classroom instruction, training, alternative dispute resolution, or restorative justice.
- L. Submitting Section 2 of the Civil Rights and Bullying Incident Response Documentation Form within 10 days of the incident.
- M. Notifying all parties, including impacted students' parents/caregivers, that the investigation has concluded, and whether a policy violation was found by email and/or mail.

## **6. Making and Addressing Investigative Findings**

In determining whether the alleged conduct constitutes a violation of this policy, the investigator will, in partnership with the Office of Student Services, consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. A determination of whether a particular action or incident constitutes a violation of the policy will be based on all of the facts and the preponderance of the evidence (i.e., that it is more likely than not that a violation occurred).

If the investigation results in a finding of a violation of this policy, PSB will take the

necessary steps to end the misconduct, prevent any further misconduct, remedy its effects where appropriate, and take disciplinary action as appropriate under the circumstances.

- Refer individuals found to have violated this policy for disciplinary action when appropriate.
  - *For employees*, such action may include written warning, suspension, termination, or another action deemed appropriate under the circumstances.
  - *For students*, such action may include suspension, expulsion, or another action deemed appropriate under the circumstances. (For more information on student discipline, please see the Code of Conduct.)
- Require students, employees, or other community members found to have violated this policy to attend instruction or training, as appropriate.

## **7. Nondiscrimination on the Basis of Gender Identity**

The Public Schools of Brookline prohibits bias and discrimination on the basis of gender identity. All students need a safe and supportive school environment to develop academic and social-emotional skills. Administrators, faculty, staff, and students each play an important part in creating and sustaining that environment. This policy is intended to create a culture in which transgender, gender nonbinary, and gender nonconforming students feel safe, supported, and included, and to meet each school's obligation to provide equal educational opportunities for all students.

### **Definitions**

Understanding the terminology associated with gender identity is important to providing a safe and supportive school environment. Please note that terminology evolves over time, and the best practice is to ask individuals how they identify and respect their preferred terms.

Gender expression: how a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

Gender identity: a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Gender nonbinary: a term to describe people who identify as neither male nor female, and may use the pronoun, "they." Other similar terms include

genderqueer and genderfluid.

Gender nonconforming: a term to describe people whose gender expression differs from stereotypic expectations. This may also include people who identify as gender diverse or gender expansive.

Transgender: a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Gender transition: the experience by which a person goes from living and identifying as one gender to living and identifying as another. For most youth, gender transition involves no medical intervention.

## **Names and Pronouns**

In Massachusetts, an individual may adopt a name that is different from the name that appears on their birth certificate. PSB shall accurately record the student's chosen name on all records, whether or not the student or parent/caregiver provides the school with a court order formalizing a name change. For students who undergo a gender transition while attending the same school, the PSB will work with the student and/or parent/caregiver(s) on a plan for initiating the use of the chosen name and pronouns consistent with the student's gender identity.

## **Privacy, Confidentiality, and Student Records**

Some transgender, gender nonbinary, and gender nonconforming students are not open about their gender identity at home due to safety concerns or lack of acceptance. School personnel will speak with the student first before discussing a student's gender nonconformity or transgender status with their parent/caregiver, including discussing how the school should refer to the student, e.g., appropriate pronoun use, in communication with their parent/caregiver.

Under state law, information about a student's assigned birth sex, name change for gender identity purposes, gender transition, medical or mental health treatment related to gender identity, or any other information of a similar nature, is part of their student record, is considered confidential, and must be kept private and secure. When determining which, if any, staff or students should be informed that a student's gender identity is different from their assigned sex at birth, decisions should be made in consultation with the student, or in the case of a student under 14, the student's parent/caregiver. The key question is whether and how sharing the information will benefit the student. Please see [this document](#) for PSB's Gender Support Plan.



Transgender, gender nonbinary, and gender nonconforming students may decide to discuss and express their gender identity openly and may decide when, with whom, and how much to share private information. A student who is 14 years of age or older, or who has entered the ninth grade, may consent to disclosure of information from their student record. If a student is under 14 and not yet in the ninth grade, the student's parent/caregiver (alone) has the authority to decide on disclosures and other student record matters.

### **Gender Markers on Student Records**

A gender marker is the designation on school and other records that indicates a student's gender. For most students, records that include an indication of a student's gender will reflect a student's assigned sex at birth. For transgender students, however, a documented gender marker (for example, "male" or "female" on a permanent record) should reflect the student's gender identity. For example, upon request by a transgender student whose gender identity is male (or their parent/caregiver, if they are under 14), the school should change the gender marker on the record to male.

Transgender students who transition after completing high school may ask to amend school records consistent with their gender identity, including reissuing a high school diploma or transcript.

### **Restrooms, Locker Rooms, and Changing Facilities**

All students are entitled to have access to restrooms and changing facilities that are sanitary, safe, adequate, and consistent with their gender identity, so they can comfortably and fully engage in their school program and activities. Each situation needs to be reviewed and addressed based on the particular circumstances of the student and the school facilities. Transgender students who are uncomfortable using a sex-segregated restroom or changing facility should be provided with a safe and adequate alternative, such as a single "all gender" restroom or nurse's restroom.

### **Physical Education Classes and Athletic Activities**

Where there are sex-segregated physical education classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

### **Dress Codes**

The PSB shall not require students to wear gender-based clothing for school

attendance, field trips or graduations, nor have gender-based dress codes for prom, special events, athletics, or any other school-related activity.

## **8. Expectant and Parenting Students**

Expectant and parenting students have the right to choose how and when they seek services and support from school staff, and to have their health and personal information kept confidential, including from other students and staff who are not required to be informed, except in circumstances involving their physical safety. When a student informs a staff member of their expectant or parenting status, the staff member must inform their head of school within a reasonable time period, and make the student aware of the need to inform the head of school. Staff must not force or coerce a student to inform their parent/caregiver, or any other individual, of their pregnancy or related information.

School staff must not disclose information about a student's expectant or parenting status to their parent/caregiver without their permission. Staff should encourage the student to consider informing their parent/caregiver about the pregnancy and decisions related to that pregnancy. Medical professionals within a school building may keep confidential medical records on pregnant students who have sought treatment.

Bias-based conduct toward any expectant or parenting student is prohibited, and expectant or parenting students may not be excluded from any school, program, class, or extracurricular activity on the basis of their expectant or parenting status. All school staff must maintain and communicate high academic expectations for all students, regardless of expectant or parenting status.

## **9. Rights of Students with Disabilities**

The Public Schools of Brookline is committed to preventing and addressing any form of bias-based conduct toward students with disabilities, and to providing students with reasonable ("Section 504") accommodations to ensure they have full access to all instruction, extracurricular activities, and other school-sponsored activities. A qualified student with a disability is an individual with a mental or physical impairment that substantially limits a major life activity, such as walking, seeing, hearing, speaking, or learning. A student with a severe allergy, such as an airborne tree nut allergy, may also be considered a student with a disability.

A reasonable accommodation is one that would not pose an undue burden on the PSB by being unduly costly, extensive, substantial, or disruptive, or by fundamentally altering the nature or operation of a PSB program, service, or activity. Depending on the circumstances, examples of reasonable accommodations may include access to a school

elevator, wheelchair-accessible transportation to school and school-sponsored activities, additional time to complete testing, assistive technology, or removal of an architectural barrier.

Students or their parents/caregivers who are seeking reasonable accommodations related to a student's disability should direct their request to the Office of Student Services. OSS will work with the student, their parent/caregiver, and their instruction team to determine reasonable accommodations (a "Section 504 Plan") with clear timelines establishing whether each element must be annually reevaluated, reevaluated in the event of enrollment at a different PSB school, or will be implemented for the duration of that student's enrollment in any PSB school. More information about 504 Accommodation Plans can be found on the [PSB website](#).

## **10. Rights of Students Requesting Religious Accommodations**

The Public Schools of Brookline is committed to preventing and addressing bias-based conduct toward students based on their religious identity or observance. In addition, PSB provides reasonable accommodations for students who need a modification to their instructional expectations or other aspects of their education in order to observe or practice their sincerely held religious belief. A reasonable accommodation is one that would not pose an undue burden on the PSB by being unduly costly, extensive, substantial, or disruptive, or by fundamentally altering the nature or operation of a PSB program, service, or activity. Depending on the circumstances, examples of reasonable accommodations may include excused absences for religious observances, allowing head coverings or other religious garments, and planning tests and activities around religious holidays.

PSB designates various state, federal, cultural, and religious holidays in three categories. On Category 1 holidays, school is closed, and no homework will be assigned in any class on the last day of school before that holiday. In addition, any assignments cannot be due nor tests held until at least the second school day after the holiday, even in the case of a longer school vacation. On Category 2 holidays, school is in session, but no homework will be assigned on the last day of school before the holiday, and any assignments cannot be due nor tests held until at least the second school day after the holiday. On Category 3 holidays, school remains in session and adjustments to assignments or tests are not standard. Information about which holidays are designated as Category 1, 2, or 3 is available on the PSB school calendar each year.

## **11. Key Contacts for Civil Rights Concerns and More Information**

The Public Schools of Brookline's Section 504 Coordinator is responsible for ensuring compliance with the accommodation rights of students with disabilities. Any student,

parent/caregiver, or employee with related concerns or questions, or who wish to request a religious accommodation for a student, may contact the district's Section 504 Coordinator:

Elizabeth O'Connell  
Deputy Superintendent of Student Services  
Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445  
Phone: 617-730-2447  
Fax: 617-730-2066  
Email: liza\_oconnell@psbma.org

The Public Schools of Brookline's Title VI Coordinator is responsible for ensuring compliance with the bias-based conduct investigatory process and related rights and responsibilities outlined in this policy, and tracking incidents across the district. Any student, parent/caregiver, or employee with related concerns or questions may contact the district's Title VI Coordinator:

Elizabeth O'Connell  
Deputy Superintendent of Student Services  
Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445  
Phone: 617-730-2447  
Fax: 617-730-2066  
Email: liza\_oconnell@psbma.org

The Public Schools of Brookline's Title IX Coordinator is responsible for ensuring compliance with the sexual misconduct investigatory process and related rights and responsibilities outlined in this policy, and tracking incidents across the district. Any student, parent/caregiver, or employee with related concerns or questions may contact the district's Title IX Coordinator:

Elizabeth O'Connell  
Deputy Superintendent of Student Services  
Town Hall, 333 Washington Street, 5th Floor Brookline, MA 02445  
Phone: 617-730-2447  
Fax: 617-730-2066  
Email: liza\_oconnell@psbma.org

## **12. Prohibition of Retaliation**

Retaliation against any student, parent/caregiver, employee, contractor, or other community member for reporting or participating in any way in the reporting or investigative procedure related to any violation of this policy is strictly prohibited and

will not be tolerated. Students, parents/caregivers, or employees who exercise their rights under any section of this policy are protected from retaliatory conduct. Reports of retaliation may be made in the same manner as any concern regarding possible bias-based or sexual misconduct.

### **13. State and Federal Remedies**

Using the PSB civil rights reporting process does not prohibit any individual from also filing a complaint with a state or federal agency. These agencies have a short time period for filing a claim as indicated below.

- *For incidents involving discrimination against students (must be filed within 180 days):*  
U.S. Department of Education Office for Civil Rights (OCR)  
John W. McCormack Post Office and Courthouse  
5 Post Office Square, 9<sup>th</sup> Floor  
Boston, MA 02109  
Phone: (617) 289-0111  
Email: OCR.Boston@ed.gov
- *For concerns regarding students' equitable access to education (must be filed within the same school year):*  
Problem Resolution System Office  
Massachusetts Department of Elementary and Secondary Education (DESE)  
135 Santilli Highway  
Everett, MA 02149  
Email: DESECompliance@mass.gov
- *For concerns regarding civil rights related to school-provided meals (must be filed within 180 days):*  
U.S. Department of Agriculture (USDA)  
Director, Center for Civil Rights Enforcement  
1400 Independence Avenue, SW  
Washington, DC 20250-9410  
Email: program.intake@usda.gov

## **SECTION J STUDENTS**

### ***6. Policy Against Discrimination, Harassment, Sexual Harassment and Retaliation***

(Voted 3/16/17, #17-28; 1/7/21, #21-5)

Replaced *Safe Schools Policy* (10/26/06, #06-98; Revised 5/5/11, #11-41)

#### **General Statement of Policy**

The Public Schools of Brookline (PSB) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected category, and retaliation for engaging in a protected activity.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, The PSB has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation.

The PSB values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

This policy applies to all persons employed by, attending, or otherwise affiliated with the Public Schools of Brookline, including volunteers, interns, and partnering organizations.

#### **I. Prohibited Discrimination and Harassment**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from or different treatment in activities, such as athletics, or employment. At other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, it can encompass sexual harassment. When an alleged violation of this nondiscrimination policy is reported, the allegations are subject to resolution using district procedures.

PSB prohibits all forms of discrimination and harassment in all of its programs, activities, and services based on a person's protected class under the law. Harassment prohibited by the PSB includes, but is not limited to, harassment on the basis of race, ethnicity, color, religion, national origin, sex, gender, sexual orientation, gender identity or expression, disability, age, genetic information, marital status, maternity leave, paternity leave, parental status, military and veteran status. Prohibited discrimination under this Policy includes discriminatory harassment and bullying. Prohibited discriminatory harassment and bullying is motivated by or expresses a negative attitude toward a person's membership in a protected class or protected characteristic and creates an intimidating, hostile, or offensive environment. Conduct prohibited may include, but is not limited to, written, verbal or electronic express or physical act or gesture such as:

- Use of epithets, slurs or nicknames that refer to a person's protected characteristic such as, but not limited to, race or sexual orientation;
- Jokes that have the purpose or effect of demeaning or making fun of a person based on a protected characteristic;
- Graffiti or other visual messages or displays that degrade a person based on a protected characteristic, and;
- Any other verbal or non-verbal conduct that has the purpose or effect of creating a hostile work environment based on a person's protected characteristic.

Nothing in this policy shall limit the ability of PSB to enforce violations of its code of conduct in areas that may not legally qualify as discrimination, harassment, sexual harassment, or retaliation under state and federal law (e.g. harassment based on housing status, receipt of public benefits, economic class, etc.)

#### **a. Disability Discrimination and Accommodation**

The PSB is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

#### **b. Nondiscrimination**

The PSB adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964. Discrimination against persons with disabilities is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance). Discrimination on the basis of sex is prohibited by Title IX of the Education Amendments of 1972.

#### **c. Prohibited Sexual Harassment Massachusetts**

While PSB prohibits all forms of discrimination and harassment, federal and state law require additional protections for sexual harassment. In Massachusetts, the legal definition for sexual harassment refers to sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- b. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

The Massachusetts legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place or educational environment that is hostile, offensive, intimidating, or humiliating may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, touching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences, and
- Discussion of one's sexual activities
- Taking or posting of photographs, videos or images of a sexual nature without consent

It should be noted that retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

#### **d. Prohibited Sexual Harassment Title IX**

Pursuant to regulations promulgated by Title IX of the Education Amendments of 1972, PSB shall adopt and publish a grievance process for responding to formal complaints of Sexual Harassment as defined under Title IX. Title IX requires that schools use a separate, but similar definition of Sexual Harassment when responding to formal complaints. According to Title IX, Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- A PSB employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the PSB's education programs or activities; or
- Sexual assault, dating violence, domestic violence, or stalking (as defined under the Clery Act and the Violence Against Women Act)

Title IX also requires that the incident occurred in the United States, at PSB or during its programming, and the complainant must have been actively participating in or attempting to participate in PSB's educational programming or activities during the incident.

The Title IX Coordinator has the primary responsibility for coordinating the PSB's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop,



remedy, and prevent discrimination, harassment, and retaliation prohibited under this policy. Any District employee with knowledge of an allegation of sexual harassment must report it to the Title IX Coordinator. The District will promptly respond to all reports alleging Sexual Harassment to ensure a fair and equitable resolution to the report, provide support to the complainant, eliminate harassment, and impose discipline if necessary. Discipline may range from verbal reprimand to suspension or termination, in the case of an employee.

## **II. Policy Coordinators / Notice of Rights**

Inquiries about this Policy or applicable law (including Title VI, Title IX, Section 504, and Title II of the Americans with Disabilities Act) may be directed to the designated PSB administrators listed below.

Contact information (telephone number, office address, email address) shall be identified in a Notice of Rights for each school, and a separate one for the District, and shall be posted, on the school and district website, in each school building, and within public areas of PSB administrative facilities.

The PSB administrators are responsible for consulting regarding the handling of complaints for consistency with this Policy and applicable procedures and legal requirements, and for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The district's designated administrators are:

### **Regarding complaints of violations of a student's rights:**

Elizabeth O'Connell  
Interim Deputy Superintendent of Student Services  
**Title II, Title VI, and Title IX Coordinator**  
Town Hall, 333 Washington Street, 5<sup>th</sup> Floor  
Brookline, MA 02445  
Phone: 617-730-2447  
Fax: 617-730-2066  
liza\_oconnell@psbma.org

Debra Bromfield  
**Section 504 and McKinney-Vento Interim Coordinator**  
Town Hall, 333 Washington Street, 5<sup>th</sup> Floor  
Brookline, MA 02445  
Phone: 617-730-2460  
Fax: 617-730-2066  
debra\_bromfield@psbma.org

**Regarding complaints of violations of an adult's rights (staff, visitors, contractors, etc.):**

Paul Toner  
 Interim Human Resources and Labor Relations Director  
 Title IX and Title VII Coordinator  
 Town Hall, 333 Washington Street, 5<sup>th</sup> Floor  
 Brookline, MA 02445  
 Phone: 617-730-2410  
 Fax: 617-730-2601  
 paul\_toner@psbma.org

**III. Prohibited Retaliation**

The PSB prohibits punitive action of any kind against a person for engaging in protected conduct such as reporting, filing a complaint, or opposing acts of discrimination, sexual harassment and/or retaliation, or for participating in an investigation into or proceeding relating to alleged discrimination, sexual harassment and/or retaliation. Prohibited retaliation may include, but is not limited to:

- disciplining a person, or taking any other adverse action against a person based on a person's protected conduct,
- discriminating against a person in the PSB services, programs and activities because of a person's protected conduct, and
- subjecting a person to harassment, bullying, shunning, hazing, or name-calling, or any other hostile verbal or non-verbal conduct on the basis of a person's protected conduct.

**IV. Reasonable Accommodation**

The PSB will reasonably accommodate persons with disabilities and with religious observance or practice requirements. A reasonable accommodation is one that would not pose an undue financial or administrative burden on the PSB by being unduly costly, extensive, substantial or disruptive, or by fundamentally altering the nature or operation of the PSB's programs, services or activities. Depending on the facts, examples of reasonable accommodations may include, but are not limited to, a modified work or break schedule, altering how or when job duties are performed, reasonable modifications to policies and procedures, supplying an auxiliary aid or service to permit effective communication, and providing assistive technology or removal of an architectural barrier.

Persons seeking reasonable accommodations should direct their request to the applicable Coordinator designated in Section II.

Students seeking a Section 504 accommodation or special education services in order to access the PSB's educational programs should contact the Office of the Deputy Superintendent for Student Services for more information about any special procedures (including complaint procedures) applicable to Section 504 accommodations and special education services.

## **V. Other Prohibited Actions**

Also, prohibited by this Policy is knowingly making a false accusation of discrimination, sexual harassment or retaliation, or interfering with the investigation into such conduct by, for example, pressuring, goading, or encouraging false denials or covering up such conduct.

## **VI. Duties and Responsibilities**

In each school, the Principal is responsible for receiving complaints/reports of violations of this Policy at the school level. The Superintendent is responsible for receiving complaints/reports of violations by a Principal or a Deputy Superintendent. The Chair of the School Committee is responsible for receiving complaints/reports of violations by the Superintendent. Any other person designated by the Principal, Superintendent, or School Committee Chair to receive complaints/reports shall forward them to the person responsible for receiving them under this paragraph. A Coordinator identified in Section II will be consulted regarding next steps consistent with this Policy and applicable law.

PSB staff, independent contractors and school volunteers who witness or become aware of discrimination, sexual harassment and/or retaliation shall immediately report such conduct to their direct superior. If the reporting party does not feel comfortable reporting to their direct superior, they may report it to the Superintendent or a Coordinator identified in Section II. All allegations of Sexual Harassment shall be reported to the Title IX Coordinator.

Each member of the school community is responsible for cooperating with the PSB's investigation of reports or complaints of violations of this Policy and with the PSB's efforts to prevent, respond effectively to, and eliminate any such conduct.

The Superintendent is responsible for:

- developing procedures to implement this Policy, which shall be consistent with legal requirements and PSB Policy and procedures, including, but not limited to, the Bullying Prevention Policy and procedures, the Student Discipline Policy, and applicable collective bargaining agreements.
- Otherwise developing guidelines to effectively implement this Policy and comply with applicable law, which may include guidelines regarding:
- publication of this Policy and Notices of Rights to the entire school community in an age appropriate manner and in the languages most prevalent within the school community, including in School Handbooks, and
- in-service training; and
- student training.

## **VII. Investigations / Corrective Action / Recordkeeping / Reporting**

The PSB shall take prompt and effective steps reasonably calculated to end any discrimination, sexual harassment or retaliation and prevent any such conduct from recurring. The decision to

discipline, the nature of any disciplinary action, and the disciplinary procedures followed shall comply with the PSB's disciplinary policies (including, but not limited to, Section J(8), PSB Policy Manual), applicable collective bargaining agreements, and federal and Massachusetts state law (including, but not limited to, Title IX, M.G.L. c. 71, §§ 37H, 37H ½, and 37H ¾, and in the case of students with disabilities, the federal Individuals with Disabilities Education Act).

Records regarding any actions taken in response to report or formal complaint of discrimination or harassment investigations must be retained and available to parties for a minimum of seven years.

The Coordinators will each prepare an annual report to the Superintendent and School Committee (without personal identifying information) regarding the number and resolution of any complaints or reports of violations under this Policy, along with any measures taken in the prior year, and/or anticipated for implementation in the coming year, to systemically address and prevent violations under this Policy. Both substantiated and unsubstantiated complaints or reports of violations of this Policy shall be included in the annual report to the Superintendent and School Committee. In assembling the annual report, the Coordinators shall include all written complaints or reports of violations under this Policy to which the Coordinators become aware, irrespective of whether the complaints or reports of violations comply with the formal procedural mechanisms for reporting. The Coordinators shall make their best effort to include subtotals and subcategories of reported violations in the annual report to the Superintendent and School Committee, so as to best inform the Superintendent and School Committee of the state of reported discrimination and harassment in the schools.

For allegations of sexual harassment specifically, the report shall include at minimum: (i) the total number of allegations of sexual harassment reported to the district's Title IX coordinator by a student or employee of the district against another student or employee of the district; (ii) the number of allegations made by a student or employee of the district against another student or employee of the district investigated by a local or state law enforcement agency, if known; (iii) the number of students and employees found responsible for violating the district's policies prohibiting sexual harassment; (iv) the number of students and employees found not responsible for violating the district's policies prohibiting sexual harassment; and (v) the number of disciplinary actions imposed by the district as a result of a finding of responsibility for violating the district's policies prohibiting sexual harassment. Such incident data shall be reported in the form and manner that complies with state and federal privacy laws.

The annual report to the Superintendent and School Committee shall be submitted no later than June 15 of each year and shall be publicly posted in a manner accessible to the general public by July 1 of that same year.

### **VIII. Contact Information for State & Federal Agencies**

PSB urges all individuals in the school community to bring any concerns or complaints of discrimination or harassment to the attention of school personnel so that they can be addressed. If either party to the complaint is dissatisfied with the results or progress of the PSB's investigation, they may discuss this directly with the Superintendent of Schools. Below are the

relevant state and federal agencies if the party is unsatisfied with PSB's response or would rather contact them directly.

The state agency responsible for enforcing laws that prohibit harassment in the workplace is the Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, MA 02108-1518; telephone (617) 994-6000; TTY Users (617) 994-6196. The time frame for filing a complaint with the MCAD is within 300 days from the date of the most recent incident of alleged harassment. The state agency responsible for ensuring that Massachusetts public schools do not discriminate on the basis of protected characteristics is the Massachusetts Department of Elementary and Secondary Education (DESE), 75 Pleasant Street, Malden, MA 02148-4906; telephone (781) 338-3300; TTY Users (800) 439-2370. The MA DESE's Program Quality Assurance Services (PQA) accepts complaints when the alleged violation occurred no more than one year before PQA received the written complaint.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination. The deadline for filing a complaint with the EEOC is within 300 days from the day of the alleged discrimination. The EEOC is located at JFK Federal Bldg., 475 Government Center, Boston, MA 02203; (617) 565-3200 or (800) 669-4000; TTY Users (800) 669-6820. The US Department of Education's Office for Civil Rights (OCR) is a federal agency that enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the US Department of Education. In most cases, a complaint must be filed with OCR within 180 calendar days of the date of the alleged discrimination. OCR is located on the 8th Floor, 5 Post Office Square, Boston, MA 02109-3921; telephone (617) 289-0111, fax (617) 289-0150.

### **Legal References**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations, 34 C.F.R. Part 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 *et seq.*, and its implementing regulations, 28 CFR Parts 104 and 300; Title II of the Americans with Disabilities Acts (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations, 28 C.F.R. Part 35; the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*, and its implementing regulations, 29 C.F.R. 1625 and 1626 *et seq.*; the Age

Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.* and its implementing regulations, 34 C.F.R. Part 110; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*, and its implementing regulations, 29 C.F.R. Part 1635 *et seq.*; the Uniformed Services and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 *et seq.*, and 20 C.F.R. Part 1002; Massachusetts General Laws (M.G.L.) Chapter 76, § 5; M.G.L. c. 151B; and M.G.L. Chapter 151C.