



Student Civil Rights & Bullying Incident Response Protocol¹

Office of Educational Equity and Office of Student Services
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¹Thank 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.

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. 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.