

**File: JICFA - PROMOTING CIVIL RIGHTS AND PROHIBITING HARASSMENT, BULLYING, DISCRIMINATION, AND HATE CRIMES**

**I. GOALS**

The Ludlow School District is committed to providing our students equal educational opportunities and a safe learning environment free from harassment, bullying, discrimination, and hate crimes, where all school community members treat each other with respect and appreciate the rich diversity in our schools. This Policy is an integral part of the District's comprehensive efforts to promote learning, eliminate all forms of threatening, intimidating, violent, harmful, and disruptive behavior, and to enable students to achieve their personal and academic potential and become successful citizens in our increasingly diverse society.

The District will not tolerate any unlawful or disruptive behavior, including any form of harassment, bullying, discrimination, or hate crimes in our schools or school-related activities. The District will promptly investigate all reports and complaints of harassment, bullying, discrimination, and hate crimes, and take prompt, effective action to end that behavior and prevent its reoccurrence. Action will include, where appropriate, referral to a law enforcement agency. The District will support this Policy in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

**II. GENERAL STATEMENT OF POLICY**

The Ludlow School District prohibits all forms of harassment, bullying, discrimination, and hate crimes based on race, color, religion, national origin, ethnicity, sex, sexual orientation, age, gender identity, genetic information, or disability. The civil rights of all school community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to our school district. The District also prohibits bullying or harassment of school community members for reasons unrelated to their race, color, religion, national origin, ethnicity, sex, sexual orientation, gender identity, age, genetic information, or disability. The District will also not tolerate retaliation against persons who take action consistent with this Policy.

**A. APPLICATION**

This Policy applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law. It applies to all students, school committee members, school employees, independent contractors, school volunteers, parents and legal guardians of students, and visitors to District schools where the conduct occurs on school premises or in school-related activities, including in school-related transportation. This policy also applies to conduct outside of the school setting or school-related activities when the conduct may impact on the learning environment of the District's schools or a particular student. Nothing in this Policy, however, is designed or intended to limit the District's authority to discipline or take remedial action under General Laws Chapter 71, §37H, or in response to threatening, intimidating, violent, harmful, or disruptive behavior, regardless of whether this Policy covers the conduct.

**B. DISCIPLINARY AND CORRECTIVE ACTION**

Violation of this Policy is a serious offense. Violators will be subject to appropriate disciplinary and/or corrective action to correct and end the conduct, prevent its reoccurrence, and protect the complainant and other similarly-situated individuals from harassment, discrimination, hate crimes, retaliation, and bullying in the future.

### **C. DEFINITIONS**

The definitions of terms used in this Policy, including descriptions of conduct this Policy prohibits, appear in the "Glossary of Terms."

## **III. RESPONSIBILITIES**

### **A. Each School Community Member is responsible for:**

1. complying with this Policy, where applicable;
2. ensuring that (s)he does not harass, discriminate against, or commit a crime against another person on school grounds or in a school-related activity because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, gender identity, age, genetic information, or disability;
3. ensuring that (s)he does not bully another person on school grounds or in a school-related activity;
4. ensuring that (s)he does not bully another person off school premises when the bullying conduct may impact on the learning environment of the District's schools or a particular student.
5. ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, or a hate crime; and
6. cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.

### **B. Each School Employee, Independent Contractor and School Volunteer is ALSO responsible for:**

1. responding appropriately, and intervening if able to take action safely, when witnessing harassment, bullying, discrimination, retaliation, or a hate crime on school grounds or in a school-related activity;
2. cooperating with the District's efforts to prevent, respond effectively to, and eliminate harassment, bullying, discrimination, and hate crimes; and
3. promptly reporting all information s(he) knows concerning possible harassment, bullying, discrimination, retaliation, or a hate crime to a designated school official when (s)he witnesses or becomes aware of that conduct occurring on or off school grounds or in a school-related activity.

## **IV. PROTECTION AGAINST RETALIATION**

The District will take appropriate steps to protect from retaliation persons who take action consistent with this Policy, or who report, file a complaint of, or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action up to and including expulsion.

## **V. REPORTING AND RESOLUTION PROCESS**

### **A. DESIGNATED OFFICIALS FOR REPORTING**

#### **1. In Each School Building**

The school principal (or his/her designee) is responsible for receiving reports and complaints of violations of this Policy at the school level. A report or complaint of a violation of this Policy involving a principal should be filed with the District Legal Compliance Officer or Superintendent.

#### **2. For the Central Administration**

The District Legal Compliance Officer is responsible for receiving and addressing reports or complaints of violations of this Policy at the district level. A report or complaint involving the District Legal Compliance Officer should be filed with the Superintendent; a report or complaint involving the Superintendent should be filed with the School Committee.

### **B. REPORTING PROCEDURES**

1. Any school employee, independent contractor, or school volunteer who becomes aware of or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property at a school-related activity, or off school premises when the conduct may impact on the learning environment of the District's schools or a particular student, must promptly report the alleged incident(s) to the building principal or designee.

2. Any student or other person (who is not a school employee, independent contractor or school volunteer) who becomes aware of or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property, in a school-related activity or off school premises when the conduct may impact on the learning environment of the District's schools or a particular student, is strongly encouraged to and should promptly report the incident(s) to the building principal or designee. In situations where a student or other person does not feel comfortable reporting the incident to a principal or a designee, (s) he may report it to a trusted school employee, who must promptly transmit the report to a principal.

3. Any school community member may also report alleged incidents of harassment, bullying, discrimination, retaliation, or a hate crime directly to a Principal (or his/her designee), or to the Superintendent.

4. Upon receipt of a written or oral report or complaint, the principal (or his/her designee) and the District Legal Compliance Officer will promptly notify one another of the facts alleged and any initial action taken.
5. When a report or complaint involves physical injury, the principal (or his/her designee) will promptly report the incident to the Superintendent.
6. All complaints or reports about a violation of this Policy must be documented on the District's "Reporting/Complaint Form" (see Attachment I). The form is available from the building principal. If a complainant or reporter is either unwilling or unable to complete the District's Reporting/Complaint Form, the principal or designee who receives the oral complaint or report will promptly prepare a written report, by filling out the District's Reporting/Complaint Form, using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.
7. On the District's Reporting/Complaint Form, the designated official will summarize any initial action taken.
8. If the complaint occurs at the school level, the designated official will promptly provide the principal with the completed Reporting/Complaint Form (or to the District Legal Compliance Officer, if the principal is the subject of the complaint). If the complaint occurs at the district level, the designated official will promptly provide the completed Reporting/Complaint Form to the District Legal Compliance Officer.

#### 9 Reporting Sexual Abuse and Other Serious Criminal Conduct

- a. General Laws Chapter 119, Section 51A, makes administrators, teachers, school nurses, guidance counselors and other school staff members mandated reporters for purposes of reporting child abuse and neglect to the Department of Children and Families (DCF). Under G. L. c. 119, Section 51A, a school staff member who has reasonable cause to believe that a student under the age of 18 years is suffering physical, sexual, or emotional abuse, or neglect, by a parent, guardian, school staff member, or other caretaker, must immediately report the abuse or neglect either directly to the DCF or to the person designated by the school to accept those reports, who, in turn, must promptly report the abuse to the DCF.
- b. The principal and/or Superintendent will report certain forms of sexual harassment and conduct (i.e., unwanted sexual touching or sexual assault) that may constitute a crime to the local police.
- c. The principal and/or Superintendent will report physical injury, destruction of public property, potential hate crimes, bullying, and other acts of a serious criminal nature to the local police for criminal investigation.

### **C. FILING A COMPLAINT OR REPORT**

1. The complainant or reporter files a written complaint or report with a principal/designee, using the District's Reporting/Complaint Form, identifying the name(s) of the subject of the complaint, if known; describing the facts and



circumstances of the incident or pattern of behavior; providing the time(s) and date(s) of the incident(s); and identifying any witnesses and relevant documentary information.

2. A complainant or reporter may also file an oral complaint or report. In those circumstances, the principal/designee will complete the District's Reporting/Complaint Form based on the oral information, using, to the extent practicable, the complainant or reporter's own words. The complainant will sign the Reporting/Complaint Form.

#### **D. RESOLUTION PROCESS: DETERMINING WHETHER TO INSTITUTE FORMAL OR INFORMAL PROCEEDINGS**

1. After the school principal (or his/her designee) or the District Legal Compliance Officer receives a complaint or report, the District must determine whether to resolve the complaint or report through Formal or Informal Proceedings.

2. After receipt of a report, the principal/designee will attempt to identify and obtain the cooperation of the person(s) who is the victim of the alleged conduct, if there is one. Even where the principal/designee does not obtain the identity of or cooperation by the alleged victim(s), the District will investigate the allegations, and proceed to Informal or Formal Proceedings, to the extent practicable.

3. If the principal/designee, in consultation with the District Legal Compliance Officer, determines that (1) the allegation is serious enough that it appears to place the complainant or any other person at physical risk; (2) the incident has resulted in a criminal charge; (3) the incident involves a referral to the Department of Children and Families; (4) the allegation involves a serious form of harassment, discrimination, or retaliation; (5) the allegation involves bullying behavior; (6) there is a pending Formal Proceeding against the subject of the complaint; (7) the subject of the complaint has previously been found to have violated this Policy after Formal Proceedings; (8) or that a Formal Proceeding is otherwise appropriate under the circumstances, then the principal/designee must commence a Formal Proceeding under Section F.

4. For allegations or incidents that do not require a Formal Proceeding, a principal/designee, in consultation with the District Legal Compliance Officer, may at his/her discretion apply either the Student Code of Conduct or initiate an Informal Proceeding. If the principal/designee deems it appropriate, (s) he may initiate an Informal Proceeding to obtain a voluntary agreement between the complainant and alleged offender that will effectively correct the problem and end the complaint of conduct. The primary focus of an Informal Proceeding is resolution through non-disciplinary corrective action, although a resolution may also include disciplinary action.

5. Nothing in this Policy limits the District or school from taking immediate interim disciplinary action as set forth in the District and school's disciplinary code and policies.

## **E. INFORMAL PROCEEDINGS**

### **STEP ONE**

1. Upon the initiation of an Informal Proceeding, the principal/designee, in consultation with the District Legal Compliance Officer, will separately meet in a timely manner with the complainant and the subject of the complaint and, if a student, with their parent(s) or guardian(s), to tell them about the informal process, the nature of the complaint, explain the prohibition against retaliation, and determine the corrective action the complainant seeks.

### **STEP TWO**

2. If appropriate after adequate investigation, the principal/designee, in consultation with the District Legal Compliance Officer, will propose a resolution. If the complainant, the alleged offender and their parent(s) or guardian(s) agree with the proposed resolution, the principal/designee will write down the resolution, and the complainant and the subject of the complaint, and their parent or guardian, if present, will sign it, and each person will receive a copy. At the meeting, the principal/designee will again explain the prohibition against retaliation.

### **STEP THREE**

3. A principal/designee will monitor the situation, and will follow up with the complainant at least weekly for two months to determine whether there are further incidents or concerns. The principal/designee will maintain a written record of the follow-up.

### **STEP FOUR**

4. If the complainant and alleged offender cannot agree to an informal resolution, or if at any time after resolution the principal/designee, in consultation with the District Legal Compliance Officer, determines that the problem is not corrected, the District may apply the Student Code of Conduct or commence a Formal Proceeding. If this Policy does not cover the reported conduct, the District will address the report or complaint through its Student Code of Conduct, if applicable.

### **STEP FIVE**

5. **File Retention**: If the complaint occurs at the school level, the principal (or the District Legal Compliance Officer, if the principal is the subject of the complaint), will maintain in a separate confidential file the District's Reporting/Complaint Form, information obtained through inquiry and investigation, and the proposed and agreed-to resolution, if any, and will provide a copy of the file to the District Legal Compliance Officer and maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the district level, the District Legal Compliance Officer will maintain the file.

## **F. FORMAL PROCEEDINGS**

### **STEP ONE**

1. The principal/designee will separately meet in a timely manner with the complainant and the subject of the complaint and, if a student, with their parent(s) or guardian(s), to tell them about the formal process, explain the prohibition against retaliation, and determine the remedy the complainant seeks. The principal/designee will also explain that the investigation will be kept as confidential as possible, but that the District cannot promise absolute confidentiality, and may not be able to withhold the complainant's identity from the subject of the complaint, since such a promise could interfere with the District's ability to enforce its Policy, conduct a fair and thorough investigation, or impose disciplinary or corrective action.

## **STEP TWO**

2. A principal/designee will conduct an investigation in accordance with the procedures described in Section G, Investigations.

## **STEP THREE**

3. The principal/designee, in consultation with the District Legal Compliance Officer, will determine whether the allegations have been substantiated, and whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct has been violated. If the complaint is substantiated, the principal/designee, in consultation with the District Legal Compliance Officer, will decide, based on the investigative findings, on the appropriate action. If legal issues arise, the principal/designee will seek the advice and guidance of legal counsel for the District.

4. The principal/designee, in consultation with the District Legal Compliance Officer, will prepare a written report that includes the investigative findings, the investigative steps taken, and the reasons for those findings. These findings will specify whether the allegations have been substantiated, whether the Policy, or if the subject of the complaint is a student, the Student Code of Conduct, has been violated, and any decision for disciplinary and corrective action.

5. The principal, the employee's supervisor (if the subject of the complaint is an employee), or the Superintendent will impose any disciplinary or corrective action.

## **STEP FOUR**

6. The principal/designee will promptly notify the complainant and the subject of the complaint in writing to let them know whether the complaint has been substantiated. If the complaint is substantiated, the principal/designee will also promptly notify the complainant of any non-disciplinary corrective action imposed to protect him/her from future Policy violations. If the complaint is substantiated and the offender remains a student in the school, the principal/designee will meet with the offender and his/her parent or guardian, to describe the disciplinary and/or corrective action imposed, the school's expectations for future behavior and the potential consequences for retaliation or future violation of the Policy.

7. If a complaint is substantiated, a report of the incident and its resolution will be placed in the offender's student record or employee personnel file.

8. **File Retention**: If the incident occurs at the school level, the principal (and if the principal is the subject of the complaint, the District Legal Compliance Officer, will maintain in a separate confidential file the original completed Reporting/Complaint Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials, and will provide a copy of the file to the District Legal Compliance Officer and maintain a copy of the file in the applicable student record or employee personnel file. If the complaint occurs at the district level, the District Legal Compliance Officer will maintain the original documents.

9. If the District's investigation results from a third party report, the principal/designee will inform that person that the District has taken steps consistent with the Policy, while not providing information about any disciplinary action imposed or any other information that would violate applicable state and federal confidentiality laws or student record regulations.

10. Any disciplinary or corrective action against a student or employee must conform to the due process requirements of federal and state law.

#### **STEP FIVE**

11. A principal/designee will monitor the situation, and will follow up with the complainant at least weekly for two months to determine whether there are further incidents or concerns, and whether the corrective action imposed has been effective. The principal/designee will maintain a written record of the follow-up.

#### **STEP SIX**

12. The complainant may ask the District Legal Compliance Officer to review, and, if appropriate, revise any non-disciplinary corrective action imposed through a Formal Proceeding, if the complainant believes that the corrective action is not adequate to protect him/her from future harassment, discrimination, bullying, retaliation, or a hate crime.

13. Any right of appeal from a disciplinary decision is governed by the Student Code of Conduct, the school's disciplinary code, applicable collective bargaining agreements, and Massachusetts and federal law.

### **G. INVESTIGATIONS FOR FORMAL PROCEEDINGS**

1 **Prompt and Thorough Investigations**: Except where Informal Proceedings are initiated, the school or District, through a principal/designee, in consultation with the District Legal Compliance Officer, will promptly investigate all reports or complaints of an alleged violation of this Policy (even where the offender is unknown), as set forth below. The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint. No complaint is considered frivolous; on the other hand, culpability is



never presumed. These procedures are intended to protect the rights of a victim and the rights of a wrongfully accused individual.

2. **Emergencies**: School officials will immediately call 911 in case of a threat of imminent physical harm or actual physical harm to a school community member or where police, fire, medical, or other emergency assistance is needed.

3. **Opening Investigations**: Upon receipt of a report or complaint, a principal/designee, in consultation with the District Legal Compliance Officer, will promptly undertake an investigation or authorize a third party designated by the District or school to undertake an investigation.

4. **Investigative Procedure**: The principal/designee investigating the incident will gather and preserve evidence, and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or other acts of a serious criminal nature, the principal/designee will confer with the local police department prior to gathering or preserving evidence to determine if the incident requires law enforcement involvement. Until the principal/designee confers with the local police, however, s (he) will secure the evidence from contamination or removal. The investigation will generally consist of personal interviews with the complainant, the subject(s) of the complaint and others who witnessed or may have potentially relevant knowledge about the alleged incident or circumstances giving rise to the report or complaint. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances. The principal/designee should take notes during interviews, or prepare them soon thereafter, for the purpose of maintaining accurate records. The principal/designee will also generally review and evaluate any other information or document, including video recordings, voice mails, e-mails, instant messages, or other items deemed relevant to the allegations, and information regarding any prior incident(s) committed by the subject of the complaint.

5. **Communication During Investigation**: Throughout the investigatory and complaint resolution process, the principal/designee will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, and the anticipated timing for concluding the investigation, and making a determination. The principal/designee will notify each person interviewed or made aware of the investigation that the investigation is confidential and should not be discussed with other students or District employees. The principal/designee will tell them that the District will not tolerate retaliation against the complainant or reporter, or anyone else who cooperates with the investigation.

6. **Time for Investigations**: The principal/designee will complete his/her investigation as soon as practicable, not normally to exceed more than ten (10) business days after (s)he receives the complaint or report, except for good cause or with consent of the parties (as documented in the investigatory file). The principal/designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

7. **Ensuring Safety During Investigation:** The principal/designee, in consultation with the District Legal Compliance Officer, will take any step he/she determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation. Those steps for students may include, but are not limited to, ordering interim disciplinary action under the Student Code of Conduct, appropriate adult supervision, reassigning classroom seating, temporarily transferring the student who is the subject of the complaint from his/her class(es) with the complainant or to an alternative school assignment, instructing the subject of the complaint to avoid communication or contact with the complainant and to maintain a safe distance (for e.g., fifteen feet) from the complainant while on school property or in school-related activities, and monitoring compliance and reporting non-compliance of protective orders issued by a court. Prior to a resolution of the complaint or report, the principal/designee will make reasonable efforts to monitor the success of the interim measures in achieving their goals. At the discretion of a school and/or District administrator, a student complainant may also temporarily transfer classes or schools, where available, but only where the student and his/her parent or guardian voluntarily consent to the transfer.

8 **Victim Assistance:** The principal/designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

9. **Victim Non-Cooperation:** Where a violation of the Policy has been reported by a third party and the alleged victim fails to cooperate with the investigation, or denies the incident occurred, disciplinary and corrective action may be precluded, or limited, depending on the circumstances and the availability of information from other sources.

10. **False Charges:** Any person who makes knowingly false charges or brings a malicious complaint is subject to disciplinary and/or corrective action.

## **H. BASIS FOR DETERMINING WHETHER POLICY VIOLATED**

A principal/designee, in consultation with the District Legal Compliance Officer, will determine whether a particular action or incident constitutes a violation of this Policy. The determination will be based on all the facts and surrounding circumstances, including the context, nature, frequency and severity of the behavior, how long the conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, past incidents or patterns of behavior, and whether the conduct adversely affected the education or school environment of the victim or other school community member.

## **I. CONFIDENTIALITY**

The District will respect the privacy of the complainant, the subject(s) of the complaint, and the witnesses to the extent possible consistent with its obligations under federal and state law and regulations and its Policy to investigate, report, and

take appropriate disciplinary and corrective action, and consistent with applicable and state and federal confidentiality laws and student record regulations.

## **VI. DISCIPLINARY AND CORRECTIVE ACTION**

### **A. IMPOSING DISCIPLINARY AND CORRECTIVE ACTION**

If a principal/designee, in consultation with the District Legal Compliance Officer, concludes that the subject of the complaint has violated this Policy, the District will in a timely manner impose disciplinary measures and/or corrective action reasonably calculated to end the complained of conduct, deter future conduct, and protect the complainant(s) and other similarly situated individuals. In imposing disciplinary and corrective measures the District will take into account harm the victim and other members of the school community suffered and any damage to school climate or property.

### **B. ACTION CONCERNING STUDENTS**

Disciplinary and corrective action concerning a student may include, but is not limited to, a written warning; classroom or school transfer; short-term or long-term suspension; exclusion from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; exclusion, expulsion, or discharge from school; adult supervision on school premises; parent conferences; an apology to the victim; awareness training (to help students understand the impact of their behavior); participation in empathy development, cultural diversity, anti-harassment, anti-bullying or intergroup relations programs; mandatory counseling, or any other action to be determined within the discretion of the District.

#### **Discipline for Students with Disabilities**

The District complies with the federal and state law requirements that apply to the discipline of students with disabilities, including the federal "Individuals with Disabilities Education Act" ("IDEA").

### **C. ACTION CONCERNING SCHOOL EMPLOYEES**

Disciplinary and corrective action concerning a school employee may include, but is not limited to, a written warning, suspension, transfer, demotion, removal from certain duties, employment termination, supervision, training, and counseling.

### **D. ACTION CONCERNING INDEPENDENT CONTRACTORS**

Disciplinary and corrective action concerning an independent contractor may include, but is not limited to, a request to the employer of the independent contractor to warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related activities; terminating the contract with the District or school, and training.

### **E. ACTION CONCERNING SCHOOL VOLUNTEERS**

Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, a written warning, suspending or terminating the volunteer relationship, limiting or denying access to school premises or school-related activities, supervision and training.

#### **F. ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS**

Corrective action concerning any other school community member, including parents and legal guardians of students, and visitors to District schools may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor's access to school premises or school-related activities.

#### **G. PREVENTION AND REMEDIATION**

The District will employ a variety of prevention and remediation strategies to maintain, to the extent practicable, a safe school climate conducive to learning, and ensure that all school community members assume responsibility for their behavior and its consequences.

#### **H. ACTION CONFORMING TO LAW AND APPLICABLE CONTRACTS**

Any disciplinary or corrective action taken for violation of this Policy will be consistent with the requirements of applicable collective bargaining agreements, Massachusetts and federal law, and District policies.

### **VII. ADDITIONAL PROVISIONS**

#### **A. OVERSIGHT OF DISTRICT'S COMPLIANCE WITH POLICY**

The District Legal Compliance Officer under the supervision of the Superintendent, will ensure the successful administration of and compliance with this Policy. The District will post conspicuously in the central office and in each school the name of the District Legal Compliance Officer, and his/her mailing address, telephone number and email address. The District Legal Compliance Officer's responsibilities include:

1. Maintaining complaint and investigation records under this Policy and of Informal and Formal Proceedings;
2. Maintaining and regularly analyzing documentation of incidents of harassment, bullying, discrimination, retaliation, and hate crimes throughout the District;
3. Advising and assisting with and/or conducting investigations of complaints and reports of violations of this Policy;
4. Regularly assessing the need for and arranging training of school and District personnel and students on the requirements of and compliance with this Policy;
5. Assisting the Superintendent in regularly reviewing the effectiveness of the District's efforts to correct and prevent harassment, bullying, discrimination, retaliation, and hate crimes and proposing improvements in those efforts, consistent with 603 CMR 26.07 (1) & (4);



6. Ensuring that appropriate District and school officials are informed about violations of this Policy and the adequacy of the response;
7. Reviewing this Policy annually for compliance with state and federal law and updating it as necessary; and
8. Ensuring that s (he) and the District and school and Section 504 coordinators are provided appropriate training to serve in this capacity and receive regular updates on changes in laws, regulations, policies and procedures concerning harassment, bullying, discrimination, retaliation, and hate crimes.

## **B. POLICY DISSEMINATION**

1. At the beginning of each school year, the District will distribute this Policy to all school employees, provide a summary of the Policy to volunteers and independent contractors, and publicize the Policy within the school community.
2. The District and its schools will incorporate a summary of this Policy in the Student Handbook and in each school's code of conduct, and explicitly state that a violation of this Policy is subject to disciplinary action under the school's code of conduct. These documents will be provided to students, parents and guardians each year and will inform them of this Policy in the same manner that they inform parents and students of other policies.
3. The District will ask each student (if 12 years old or older) and his/her parent or guardian to provide written confirmation that they received, read and understand the Student Handbook that includes a summary of this Policy, and agree to comply with the Handbook's provisions.
4. To the extent practicable, the District will translate a summary of the Policy into the non-English languages spoken at home by a significant number of parents or guardians of District students.
5. The District will post this Policy and a summary of the Policy on its District's website and conspicuously in each school building in areas easily accessible to students and staff.

## **C. TRAINING OF SCHOOL EMPLOYEES AND STUDENTS**

1. The District will provide in-service training at least annually for all school employees, independent contractors, and school volunteers regarding the prevention and appropriate methods for reporting and responding to harassment, bullying, discrimination, retaliation, and hate crimes; their responsibilities under the Policy; requirements imposed by state and federal civil rights and education laws, including CMR 26.00; and the District's mission, goals and requirements under this Policy.
2. The District will also provide training at least annually for all its students in the fifth through twelfth grades regarding how to identify, report and file a complaint or report under this Policy; their rights and responsibilities under civil rights and education laws; and the District's mission, goals and requirements under this Policy.

The District will also provide instruction at least annually to all students in kindergarten through fourth grade regarding how to identify and report harassment and bullying.

#### **D. LAW ENFORCEMENT INVOLVEMENT**

Police involvement in situations that occur at school or at school-related activities is governed by a Memorandum of Understanding ("MOU") among the District, the police department and the Hampden County District Attorney's Office. This collaborative effort is designed with the goal of ensuring a safe school environment, supporting "zero tolerance" for violence and other criminal violations, and ensuring a coordinated response when an incident occurs.

#### **E. ANNUAL REPORT**

The District will prepare an annual report to the School Committee that includes a compilation and analysis of reported and substantiated incidents under this Policy; any corrective action imposed (without student identifying information); relevant training; and any supporting activities or programs employed.

#### **F. OTHER LEGAL REMEDIES**

Any school community member may also pursue legal remedies or other avenues of recourse, including filing a complaint with the Massachusetts Department of Education (Problem Resolution System), at (617) 338-3000; the Massachusetts Office of Attorney General, Civil Rights Division, at (617) 727-2200; the Office of Civil Rights of the United States Department of Education, at (617) 223-9662, the Massachusetts Commission Against Discrimination, at (617) 727-3990 or (413) 739-2145; or the Equal Employment Opportunity Commission, at (617) 565-3200; filing a civil lawsuit; or pursuing criminal prosecution.

#### **Appendices:**

##### **District Reporting/Complaint Form**

**DESE Advisory entitled: "Guidance for Massachusetts Public Schools: Creating a Safe and Supportive School Environment"**

#### **GLOSSARY OF TERMS**

**BULLYING:** Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to the person's membership in a protected class (e.g., race, sex). Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through e-mails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime. (See Student Code of Conduct for how the District addresses bullying not covered by this Policy.)

**COMPLAINANT:** A person who complains about conduct covered by this Policy who is the alleged victim of the conduct, and if a student, their parent or guardian.

**DISABILITY:** A physical or mental impairment that substantially limits one or more major life activities (a) where the person has such an impairment, (b) has a record of such an impairment, (c) is regarded as having an impairment, or (d) has an individualized education program (IEP).

**DISCRIMINATION:** Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges or courses of study in a public school because of his/her race, color, national origin, ethnicity, religion, sex, gender identity, sexual orientation, age, genetic information, or disability. A person may not be subjected to discipline or more severe punishment for wrongdoing, nor denied the same rights as other students, because of his/her membership in a protected class.

**HARASSMENT:** Harassment is oral, written, graphic, electronic or physical conduct on school property or at a school-related activity relating to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, gender identity, age, genetic information, or disability (i.e., protected status), that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the district's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. For purposes of this Policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational or work environment. A single incident, depending on its severity, may create a hostile environment.

**Harassment based on a person's protected status may include, but is not limited to:**

- Degrading, demeaning, insulting, or abusive verbal or written statements;
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays (such as swastikas), or symbols on school or another person's property (e.g., books or backpacks);
- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letters, emails, instant messages, or websites;
- Defacing, damaging, or destroying school (e.g., desks, lockers or school walls) or another person's property; throwing objects (eggs, paint).

**Examples of Specific Types of Harassment (depending upon the circumstances):**

#### **Disability Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs like "retard," or invading personal space to intimidate.

#### **National Origin Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her national origin, ancestry, or ethnic background, such as negative comments about surnames, customs, language, accents, immigration status, or manner of speaking.

### **Racial Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

### **Religious Harassment**

- Unwelcome verbal, written or physical conduct directed at a person based on his/her religion, including derogatory comments about religious beliefs, traditions, practices (includes non-belief), or religious clothing.

### **Sexual Orientation Harassment**

- Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

### **Gender Identity Harassment**

- Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived gender identity such as derogatory comments about a person's appearance, behavior, or chosen name. The term "gender identity" is defined in An Act Relative to Gender Identity (Chapter 199 of the Massachusetts Acts of 2011). See, also, DESE Publication entitled: "Guidance for Massachusetts Public Schools: Creating a Safe and Supportive School Environment," a copy of which is appended to the Policy.
- "Gender expression: the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms."
- "Gender identity: is 'a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth...'" M.G.L. Chapter 4. Section 7.
- "Gender nonconforming: a term used to describe people whose gender expression differs from stereotypic expectations. The terms 'gender variant' or 'gender atypical' are also used.
- "Transgender: an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth." DESE Guidance for Massachusetts Public Schools.



## **Sexual Harassment:**

- **Hostile environment sexual harassment** occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by another student, a school employee, or a third party on school property or at a school-related activity is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the district's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. A victim may also be someone reasonably affected by conduct directed toward another individual.
- **Quid pro quo sexual harassment** occurs when a school district's employee explicitly or implicitly conditions participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the student submits to the conduct. Quid pro quo sexual harassment occurs, for example, when a school employee causes a student to believe s/he must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application recommendation unless the student dates the employee. Quid pro quo sexual harassment also occurs when a school district's employee conditions an employee's employment on submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or a basis for an employment decision (e.g., promotion, demotion, alteration of duties or hours or performance reviews).
- **Sexual harassment** may occur adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.

### **Depending on the circumstances, sexual harassment may include, but is not limited to:**

- **Verbal forms of sexual harassment**, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, making unwanted gender-based references to a person's physical characteristics;
- **Written forms of sexual harassment**, including obscene graffiti, sexually graphic computer messages or games, love poems or letters continuing after being informed they are unwelcome;
- **Nonverbal forms of sexual harassment**, including offensive gestures, following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- **Visual forms of sexual harassment**, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or
- **Unwelcome physical touching**, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.

**HATE CRIME:** A crime motivated by hatred or bias, or where the victim is targeted or selected for the crime at least in part because the person is a different race, color, national origin, ethnicity, religion, gender, or sexual orientation from the perpetrator or because the targeted person has a disability. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

**Indicators** that a crime may constitute a hate crime include:

- Use of racial, ethnic, religious or anti-gay slurs;
- Use of symbols of hate, such as a swastika or burning cross;
- Similar behavior toward others who are members of the same protected class;
- The perpetrator's protected class is different from the victim's;
- The incident occurs while the victim was promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as attending an advocacy group meeting, or participating in a students' gay-straight alliance, or a disability rights demonstration.

**INDEPENDENT CONTRACTOR:** Any person, organization, or company who contracts with and/or provides goods, supplies, or services to the District or a school, and who is not a school employee and is not under the direction or control of the District (e.g., bus drivers and school vendors).

**NATIONAL ORIGIN:** A person's ancestry, country of origin, or the country of origin of the person's parents, family members or ancestors.

**RETALIATION:** Any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this Policy, or for taking action consistent with this Policy.

**REPORTER:** A person reporting an incident who is a third party and not the victim of the alleged conduct that violates the Policy.

**SCHOOL COMMUNITY MEMBER:** Any student, District or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school-sponsored function or activity.

**SCHOOL EMPLOYEE:** Any District or school administrator, teacher, school counselor, nurse, secretary, librarian, and any other professional or support staff member employed by the District, and (except school volunteers) subject to the District's direction or control.

**SCHOOL-RELATED ACTIVITY:** Any school-sponsored activity, such as a field trip or an athletic competition; any school-related function or event, such as a PTO meeting; where school officials have supervisory responsibility for students; or where students are using school transportation or are at a designated school bus stop.

**SCHOOL VOLUNTEER:** Any person who without compensation provides goods, supplies, or services to the District or its schools on a one time or an ongoing basis, and who is not a school employee or independent contractor.

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