

SECTION A FOUNDATIONS AND BASIC COMMITMENTS

3. *Safe Schools* (New Policy)

Promoting Civil Rights and Prohibiting Harassment, Bullying, Discrimination, and Hate Crimes

Introduction

The Brookline School Committee recognizes that children learn best and teachers teach best when schools are safe. By safe schools we mean schools where students and teachers feel respected, supported and physically secure. The Public Schools of Brookline (PSB) will not tolerate unlawful or disruptive behavior, including any form of harassment, bullying, discrimination or hate crimes that occur in our schools, at school-related activities, or that may occur outside of school but arises from or is connected to school-related activities.

Goals

1. The PSB is committed to providing its students with equal educational opportunities and a safe learning environment that is free of harassment, bullying, discrimination, and hate crimes.
2. Such an environment is created when all school community members treat each other with respect and appreciate the rich diversity in our schools.
3. All reports and complaints of harassment, bullying, discrimination and hate crimes will be promptly investigated, and, if appropriate, prompt action will be taken to end the prohibited behavior and prevent its reoccurrence. Such action may include referral to a law enforcement agency.

General Statement of Policy

The PSB prohibits all forms of harassment, discrimination, and hate crimes based on race, color, religion, national origin, ethnicity, sex, sexual orientation, age, 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 community. The PSB also prohibits harassment or bullying of school community members or other harmful conduct for reasons that may be unrelated to race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability. In addition, the PSB will not tolerate retaliation against persons who take action consistent with this policy.

Application

This Policy applies to all conduct involving school community members that occurs at and/or arises from or is connected to a school-related activity. It applies to all sites and activities the PSB supervises, controls, or where it has jurisdiction under the law. It also applies to conduct that involves school community members, but that may occur outside of school, where such conduct arises from or is connected to a school-related activity. It applies to all students, School Committee members, school employees, independent contractors, school volunteers, parents and legal guardians of students, and visitors to PSB schools. Nothing in this policy, however, is designed or intended to limit the district's authority to discipline or take remedial action under existing law, including, but

not limited to, General Laws Chapter 71, Sec.37H or 37H1/2, or in response to violent, harmful, or disruptive behavior, regardless of whether this Policy covers such conduct.

Definitions

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

Responsibilities

A. Each member of the school community is responsible for:

1. complying with this Policy, where applicable;
2. ensuring that (s)he does not harass, discriminate against, or commit a hate 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, age or disability;
3. ensuring that (s)he does not bully another school community member;
4. 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
5. cooperating with the PSB’s investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime, and also with the PSB’s efforts to prevent, respond effectively to, and eliminate harassment, bullying, discrimination, and hate crimes.

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 and hate crimes perpetrated against a school community member;
2. promptly reporting all information s(he) knows concerning possible harassment, bullying, discrimination, retaliation, or a hate crime to a designated school official (see related procedures for such designation) when (s)he witnesses or becomes aware of such conduct.

Protection Against Retaliation

The PSB will take appropriate steps to protect from retaliation persons who take action consistent with this Policy, or who report, or file a complaint 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 or other corrective action.

Reporting and Resolution Process

A. Designated Officials for Reporting

With the exception of reports or complaints of violations of this Policy involving the Superintendent, the school administration shall be responsible, as part of the procedures attached to this Policy, for designating those persons in each school building and in the central administration who will be responsible for receiving reports and complaints of violations of this Policy. In the case of reports or complaints involving the Superintendent, such reports or complaints shall be made directly to the Chairman of the School Committee, who, along with the remaining members of the School Committee, shall by majority vote determine who shall investigate such report or complaint.

B. Investigation and Reporting Procedure

The school administration shall be responsible, as part of the procedures related to this Policy, for identifying specific reporting and investigation procedures which shall include, at a minimum:

1. how to file a complaint or report;
2. what the alternative resolution processes might be, be they formal or informal proceedings;
3. who will be responsible for maintaining detailed records regarding incidents or complaints and the resulting investigation that might follow, if any;
4. the details of how an investigation under this Policy will be conducted in connection with a formal proceeding, which procedures shall include assurances of promptness and thoroughness, appropriate communication, appropriate confidentiality and a procedure for emergency situations where there is the possibility of physical harm or the need for outside public safety assistance, and
5. assurances of and respect for the privacy of the complainant and potential witnesses, and the due process rights of the alleged perpetrator, consistent with federal and Massachusetts state law.

Disciplinary and Corrective Action

The PSB will employ a variety of prevention and remediation strategies to maintain, to the greatest extent practicable, a safe school climate that is conducive to learning, and to ensure that all school community members assume responsibility for their behavior and the consequences of their behavior. It will also ensure that any disciplinary or corrective action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, federal and Massachusetts state law and relevant School Committee policies.

As part of the procedures attached to this policy the school administration shall also be responsible for defining:

1. how and to what extent discipline or corrective action will be imposed;
2. what alternatives exist for disciplinary action concerning students, with attention to federal and state laws applying to the discipline of students with disabilities;

3. the disciplinary alternatives available for school employees, and
4. potential action that might be imposed in connection with independent contractors, school volunteers, and other school community members.

Additional Provisions

The school administration is responsible for maintaining records of incidents, if any, which occur within our school system and are related to this Policy. The school administration will prepare an annual report to the School Committee regarding the number and resolution of any such incidents.

The school administration shall also, as part of the procedures pursuant to this Policy:

1. adopt guidelines describing how and when this Policy will be disseminated to the entire school community;
2. provide an explanation as to how and when in-service training regarding this Policy will be provided to school employees, independent contractors, school volunteers, and students in the fifth through twelfth grades, along with a description of the subject content for such training, and
3. provide a description of other legal remedies or avenues of recourse that may be available to members of the school community, not included in this policy or its related procedures.

The school administration shall also, as part of the related procedures attached to this Policy, identify the name/title of the staff person designated to be the PSB District Equity Coordinator, who shall be responsible for the oversight and administration of system wide compliance with this Policy, along with a detailed description of said person's responsibilities. The school administration shall post conspicuously, in both its central office and in each school, the name/title of the staff person so designated, including his/her mailing address, telephone number and email address; a copy of this Policy and the related procedures; and a copy of the signed Memorandum of Understanding between the Town's police department, the District Attorney's office, and our school administration pertaining to this Policy.

By adopting this Policy, the Brookline School Committee does not intend to limit the use of materials such as art books, sculpture, literature, etc. that may be appropriately used in an academic setting, or to prohibit discussions concerning the same; and further directs that the procedures adopted under this Policy take into account the ages and competencies of those involved.

(See Attached Glossary of Terms.)

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 messaging, or websites, pushing, kicking, hitting, kicking, spitting, or talking 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 is a student, his/her 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 impairment, (c) is regarded as having an impairment, or (d) has an individualized 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, sexual orientation, age, or disability. A person may not be subjected to discipline or more severe punishment for wrongdoing, nor denied the same rights as the 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, age, 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 in any 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 abusing 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 a 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 (e.g., eggs, paint).

Examples of specific types of harassment include (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, intimidating 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.

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 at another individual.

Quid pro quo sexual harassment occurs when a school district 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 s(he) deserved, or is threatened with the loss of a promised college application recommendation unless the student dates the employee. *Quid pro quo* sexual harassment also occurs when a school district employee conditions an employee's employment on submission to unwanted 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, or 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 hate 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 person'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 towards 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 ongoing basis, and who is not a school employee or independent contractor.

Source: Attorney General's Office

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