

**Policy Against Discrimination, Harassment, Sexual Harassment
and Retaliation**
**Annual Report to Public Schools of Brookline Superintendent
and School Committee**

To: Superintendent and School Committee

From: Maria Letasz, Director of Guidance and Clinical Services, PreK-12 and District Title IX and Title VI Coordinator (students) and Section 504/Title II Coordinator Joseph Russo, Interim Director of Human Resources and Title IX and Title VII Coordinator (staff)

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I. Introduction

The Public Schools of Brookline (PSB) is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination and harassment based on a protected category, and retaliation for engaging in a protected activity. Consequently, upon notice the District must take prompt, equitable, and remedial action within its authority when it receives reports, complaints, and grievances, either informally or formally, which allege acts of discrimination, harassment, sexual harassment, and retaliation.

Federal and state laws, as well as School Committee Policy Against Discrimination, Harassment, Sexual Harassment, and Retaliations voted 1/7/21 (Policy) provide the basis for the District's administrative complaint and resolution processes regarding reports of general harassment, sexual harassment, and discrimination for students, parents, and staff, respectively.

Policy requires the District's Civil Rights Compliance Coordinators prepare an annual report to the Superintendent and School Committee, and states in pertinent part, "regarding the number and resolution of any complaints or reports of violations under this Policy, along with any measures taken in the prior year, and/or anticipated for implementation in the coming year, to systemically address and prevent violations under this Policy. Both substantiated and unsubstantiated complaints or reports of violations of this Policy shall be included in the annual report to the Superintendent and School Committee. In assembling the annual report, the Coordinators shall include all written complaints or reports of violations under this Policy to which the Coordinators become aware, irrespective of whether the complaints or reports of violations comply with the formal procedural mechanisms for reporting. The Coordinators shall make their best

effort to include subtotals and subcategories of reported violations in the annual report to the Superintendent and School Committee, so as to best inform the Superintendent and School Committee of the state of reported discrimination and harassment in the schools.

Additionally, regarding incidents of sexual harassment specifically, the report shall include at minimum:

1. the total number of allegations of sexual harassment reported to the district's Title IX coordinator by a student or employee of the district against another student or employee of the district;
2. the number of allegations made by a student or employee of the district against another student or employee of the district investigated by a local or state law enforcement agency, if known;
3. the number of students and employees found responsible for violating the district's policies prohibiting sexual harassment;
4. the number of students and employees found not responsible for violating the district's policies prohibiting sexual harassment; and
5. the number of disciplinary actions imposed by the district as a result of a finding of responsibility for violating the district's policies prohibiting sexual harassment. Such incident data shall be reported in the form and manner that complies with state and federal privacy laws.

Therefore, in accordance with Policy, the District Civil Rights Compliance Coordinators are submitting this report for review of the Superintendent and School Committee. This report shall be publicly posted on the District's [Civil Rights/Nondiscrimination](#) website page to be accessible to the general public by July 1st.

II. Pre-Service Professional Development for the 2020-2021 School Year

In May 2020, The U.S. Department of Education released its final regulations governing sexual assault under Title IX, the law prohibiting sex discrimination at federally funded institutions. The new Title IX regulations would go into effect on August 14, 2020. In preparation for the changes to the Title IX regulations, significant training was completed. The new Title IX regulations require school districts to train staff to perform the roles of Title IX Coordinator, Investigator, Decision-Makers (policy and appellate), and informal resolution facilitators. Although Title IX was the focus of the majority of the training, civil rights compliance was also an embedded component which could be taken and extrapolated to support all areas of discrimination and harassment prevention and remediation. Recognizing the significant training required by the new Title IX regulations for each member of the Title IX team and the potential cost associated with that, the

District opted to implement a train-the-trainer model where the trainer trains other employees. This model allows the District to build capacity to effectively train employees at a scale. In order to be effective, the trainer must have subject matter expertise. To ensure this, the District's Civil Rights Coordinator for Students (CRCS) completed the following training and certifications:

- July 15-17, 2019 Title IX Administrator Training and Certification*
- October 20-21, 2020 Title IX K-12 Coordinator I Training and Certification*
- November 5, 12, 19, 2020 Title IX K-12 Investigator I Training and Certification*
- November 16, 2020 Title IX Compliance & Athletics Training and Certification*
- November 20, 2020 Title IX Report Writing for Investigators and Decision-makers**
- December 10, 2020 Title IX K-12 Decision-maker Training and Certification*
- December 14, 2020 Title IX Decision-maker Training**
- December 16, 2020 Title IX Informal Resolution Training**
- March 1-2, 2020 Civil Rights Investigator Level 3 Training and Certification*
- March 11, 2021 Section 504/ADA Coordinator Training and Certification*

*Association of Title IX Administrators (ATIXA)

**Bricker & Eckler Attorneys at Law

In recognition of the advanced responsibilities for the District's civil rights compliance, the District's Civil Rights Coordinator for Staff completed the Title IX Administrator Training and Certification* on December 7-8, 2020 and the Deputy Title IX Coordinator at BHS completed the Title IX K-12 Coordinator I Training and Certification* on October 21-22, 2020.

III. Employee Training and Role-specific Training

The new Title IX regulations in effect August 14, 2020 require robust training for Title IX Coordinators, investigators, decision-makers (policy and appellate), and any person who facilitates an informal resolution process. Because the regulations focus so much on avoiding bias and conflicts of interest, Title IX team members in any one given grievance cannot serve in multiple roles. For example, an investigator cannot also serve as the policy decision-maker in the same grievance. As a result, the District must train multiple staff members to serve in each of these roles in the event a conflict or bias issue arises or in the event a school is resolving more than one grievance.

The District's CRCS delivered the following role-specific training in the 2020-2021 school year:

- August 24, 2020 Title IX and Civil Rights Training to Principals and Senior Leadership
- September 11, 2020 Section 504 Coordinator Annual Training to K-8 School Counselors/Building Section 504 Coordinators
- October 5, 2020 Section 504 Coordinator Annual Training to BHS School Counselors/Building Section 504 Coordinators
- November 16 & December 16, 2020 Title IX and Civil Rights Training to Brookline High School Deans and Associate Deans
- January 27 & March 10, 2021 Title IX and Civil Rights Investigator Training to Brookline High School Deans and Associate Deans

Annual notification and training requirements to District employees

"Responsible employees" are those individuals who have actual or perceived authority to redress sexual misconduct. Under the Title IX regulations, *all* K-12 employees are responsible employees. K-12 Districts must provide sufficient annual training to *all* employees regarding their obligation to report and the process for doing so.

To fulfill this obligation, the District's CRCS created a 25-minute [Title IX and Civil Rights Training video](#) which was made available to all employees on November 2, 2020. All employees across the district, regardless of role, were required to view the training video, complete a brief quiz to confirm the understanding of their obligations to stop and prevent discrimination and harassment, and acknowledge completion of the annual training.

IV. Incident Reporting and Investigation Information

As stated above, the Policy annual report to the Superintendent and School Committee must include information regarding incidents of harassment and discrimination, which occurred over the course of the school year and must include specific information about formal complaints filed.

The information detailed below is a breakdown of reported incidents across the district where students were the alleged respondent. These numbers include both substantiated and unsubstantiated reports:

Civil Rights Category	Number of Reported Incidents [^]	Number of Formal Complaints	Number of Reported Incidents and Formal Complaints Substantiated ^{^^}
Section 504		1	^^
Title VI	1		0
Title IX	1	1	0^^
Other Sexual Harassment (not Title IX)	1		0
Retaliation			

[^]It's important to note that there were 2 bullying investigations that ruled out Title VI, 3 bullying investigations that ruled out Title IX, and 1 bullying investigation that ruled out both Title VI and Title IX.
^{^^}It's important to note that 1 formal complaint of Section 504 harassment and 1 complaint of sexual harassment are currently in the investigatory phase at the time of the report writing.

The information detailed below is a breakdown of reported incidents across the district where staff or the District were the alleged respondent. These numbers include both substantiated and unsubstantiated reports :

Civil Rights Category	Number of Reported Incidents	Number of Formal Complaints	Number of Reported Incidents and Formal Complaints Substantiated ^{^^^}
Section 504	1 ^{^^^}	2	1 ^{^^^}
Title VI	1 ^{^^^}		0
Title IX			
Other Sexual Harassment (not Title IX)			
Retaliation	3		0 ^{^^^}

^{^^}It's important to note that there was 1 report that included both Section 504 and Title VI and is noted in the above chart separately.

^{^^^}It's important to note that formal complaints submitted to OCR may be informally resolved prior to a finding.

Sexual Harassment Additional Information

In accordance with Policy, this additional information is specific to allegations of sexual harassment (includes Title IX and other sexual harassment) reported:

- Of the 3 reports of sexual harassment (including formal complaints), all 3 were by students against another student.
- There were no reports by students or employees against an employee of the District.
- One of the 3 reports of sexual harassment investigated by a local or state law enforcement agency.
- One report of sexual harassment is still being investigated
- The respondents of the two remaining reports of sexual harassment declined to file a formal complaint and/or cooperate with an investigation.

With respect to addressing reports of sexual harassment, the most common types of remedies applied for both formal and informal complaints consisted of the following:

- Individualized supportive measures for all students involved
- Safety Plans for all students involved
- “No Contact” contracts or review of behavior expectations
- Individualized corrective action for alleged respondent

Further breakdown of the incidents by school and to include student demographic information has not been included in this report in order to maintain confidentiality and privacy of either an alleged complainant, alleged respondent, or both. That is, since some schools only reported one incident, by reporting the school or by providing demographic information of the students involved in the reported incident, it may be possible to determine the specific identity of the parties involved, thereby violating student privacy. That said, it will be the work of the District Civil Rights Coordinators to conduct a more comprehensive analysis of the student demographic information of reported sexual harassment incidents for the purposes of determining appropriate strategies for the prevention or intervention of sexual harassment and sexual violence.

IV. Measures Anticipated for Implementation in the Coming Year to Systemically Address and Prevent Violations Under the Policy

- This was the first year implementing the District’s Title IX Sexual Harassment Grievance Procedures. Review that procedures and protocols to effectively respond to reported incidents of alleged sexual harassment continue to comply with state and federal regulations, they are clear and not confusing, and also considers developmentally appropriate supports and due process rights for all parties involved.
- Review of the District website and published materials to ensure civil rights compliance in required notifications.
- Review and provide input on the District’s educational activities for students regarding the awareness and prevention of sexual misconduct and sexual harassment.
- Review and provide input on the District’s training activities for staff regarding the awareness and prevention of sexual misconduct and sexual harassment.
- The review of educational activities for students and training activities for staff should ensure that these programs do not merely demonstrate compliance with applicable federal and state laws, but also demonstrate the District’s commitment to safe and civil education and work environments.
- Review and identify prevention curricula for students.
- Climate Survey planning for data to be collected at BHS.

- Update the District's Section 504 Manual for building coordinators.
- Provide and track annual completion of employee civil rights training.
- Review of the District's current data collection methods and capabilities to determine levels of centralized collection reporting across schools.
- Based on the reporting and data review, develop recommendations to the Superintendent and School Committee for changes needed to increase consistency across the district, accuracy of methods, and ability to analyze data.
- Based on all reviews detailed above, develop recommendations to the Superintendent and School Committee for any policy and procedure revisions.