

**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/ADA Coordinator
Tye'sha Fluker, Director of Human Resources and Title IX 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 free from retaliation for engaging in a protected activity. Consequently, 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/or retaliation.

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

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. District Civil Rights Compliance Coordinator Professional Development for the 2021-2022 School Year

In May 2020, The U.S. Department of Education released its final regulations governing Title IX, the law prohibiting sex discrimination at federally funded institutions. The new Title IX regulations went 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*
- Title IX K-12 Coordinator Certification exp. 4/2/2023*
- Title IX K-12 Investigator I Certification exp 11/18/22*
- Title IX Compliance & Athletics Certification exp 11/15/22*
- 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*
- Section 504/ADA Coordinator Certification exp. 3/10/23*

CRCS Additional Training in the 2021-2022 School Year

- Civil Rights Investigator Level 2 Certification exp. 8/9/23*
- Investigation Report Writing Certification exp. 10/4/23*
- Informal Resolution I: Foundations exp. 6/5/23*
- Rationale Writing Workshop for Decision-makers and Investigators*
- Investigation Report Writing Certification exp. 10/4/23*

*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/Human Resources Director completed the Title IX Administrator Training and Certification* on October 5 and 12, 2021.

III. Employee Training and Role-specific Training

The 2020 Title IX regulations 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 developed the following role-specific online training modules which are accessible to staff for on-demand professional development and ongoing training:

- Title IX and Civil Rights Investigator
- Title IX and Civil Rights Policy Decision-maker

The District's CRCS delivered the following training in the 2021-2022 school year:

- Annual Section 504 Training for building-based Section 504 Coordinators (School Counselors)
- Section 504 Training for School Adjustment Counselors
- Section 504 Training for Special Education Staff
- Protecting the Rights of Students with Disabilities (Section 504) Parents/Guardians Workshop

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 annual obligation, the District's CRCS created the [2021-2022 Title IX and Civil Rights Annual Training video](#) which was made available to all employees for the start of the school year. The training was viewed by 1,069 employees, interns, and volunteers.

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, prevent, and remedy 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. All parties involved in the incidents were offered or provided supportive measures regardless if a formal complaint was filed or not. 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	0	0	0
Title VI	3^	1	0
Title IX	2	2	0^^
Other Sexual Harassment (not Title IX)	7	7	2^^^
Retaliation	0	0	0

^It is important to note that 1 bullying investigation ruled out Title VI.

^^It is important to note that 2 formal complaints of Title IX sexual harassment were in the investigatory phase at the time of the report writing.

^^^ It is important to note that 1 formal complaint was resolved with informal resolution.

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	21	21	5 ^{^^^} 11 ^{^^}
Title VI	5	5	1 ^{^^}
Title IX	0	0	0
Other Sexual Harassment (not Title IX)	0	0	0
Retaliation	2	2	0

^{^^}It's important to note that 11 formal complaints of Section 504 discrimination and 4 complaints of Title VI discrimination were in the investigatory phase at the time of the report writing.

^{^^^}It's important to note that formal complaints submitted to OCR or BSEA may be informally resolved prior to a finding or the District may become compliant without a finding by implementing corrective action..

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 9 reports of sexual harassment (including formal complaints), all 9 reports were by students against another student.
- There were no reports by students or employees against an employee of the District.
- None of the reports of student sexual harassment were investigated by a local or state law enforcement agency.
- Two reports of Title IX sexual harassment are still being investigated.

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
- Mutual “No Contact” contracts
- Mutual Walking Plans to ensure students do not meet during the school day
- 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 is the second year implementing the District’s Title IX Sexual Harassment Grievance Procedures however the first year that students were physically in the school buildings for the entire school year under the updated Policy and Procedures.

- Increase communication
 - Review of the District website and published materials to ensure civil rights compliance in required notifications.
 - Ensure information and reporting procedures are translated in multiple languages. Title IX completed. Section 504 in progress.
 - Update individual school student handbooks with Title IX information and procedures during the summer of 2022
 - Develop staff and student awareness posters
- Update the annual mandated reporter training for employees during the summer of 2022.
- Update the District’s Section 504 Manual for building coordinators.
- Climate Survey planning for data to be collected at BHS.

Ongoing work:

- Ongoing 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 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.
- 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.

Maria Letasz, Ed.D., LMHC

Director of Guidance and Clinical Services, PreK-12

District Title IX and Title VI Coordinator (students) and Section 504/ADA Coordinator

2 Clark Road

Brookline, MA 02445

(617) 308-6400 (text enabled)

Tye'sha Fluker, PHR

Director of Human Resources

District Title IX Coordinator (Staff)

Town Hall, 333 Washington Street, 5th Floor

Brookline, MA 02445

(617) 730-2410