Policy and Procedure Sub-Committee April 15, 2022

A Policy Sub Committee meeting will be held on Friday, April 15, 2022 at 10:00 AM via Zoom Meeting.

Join Zoom Meeting

https://us02web.zoom.us/j/87416543385?pwd=SUN0L3VPQmxhUGtPMXRNZ0p4RkRDZz09

Meeting ID: 874 1654 3385

Passcode: 2eq4HS

Watch on Revere School Committee YouTube: https://www.youtube.com/c/revereschoolcommittee

POLICY SUB-COMMITTEE AGENDA:

- AC
- AC-R
- ACAB

Adoption of:

JICK

Policies attached to the previous email.

Respectfully submitted,

Dianne K. Kelly, Ed.D. Superintendent of Schools

DK/rp

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Revere School Committee and Revere Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Revere Public Schools.

Revere Public Schools does not exclude from participation, deny the benefits of RPS from or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

- 1. Promoting the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
- 2. Encouraging positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
- 3. Working toward a more integrated society and enlisting the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
- 4. Using all appropriate communication and action techniques to air and address the grievances of individuals and groups.
- 5. Carefully consider, in all the decisions made within the school district, the potential benefits or adverse consequences that those decisions might have on the human relations.
- 6. Initiating a process of reviewing policies and practices of the school district in order to achieve to the greatest extent possible the objectives of this statement.

The Revere Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

LEGAL REFS:

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375 Equal Pay Act, as amended by the Education Amendments of 1972 Title IX,

Education Amendments of 1972 Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America

Equal Access Act)

M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)

CROSS REF:

ACE, Non-Discrimination on the Basis of Disability

ACAB, Sexual Harassment

GBA, Equal Employment Opportunity

IJ, Instructional Materials

JB, Equal Educational Opportunities

SOURCE: MASC December 2021 Revere: Amended April 2022

SEXUAL HARASSMENT

The Revere School Committee and Revere Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Revere Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called guid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights(OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an

environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;

- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to "rape shield" protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other's credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the Revere School District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

The District's Title IX Coordinator is:

Dr. Richard Gallucci, Assistant Superintendent
101 School St. Revere, MA
(781) 286-8226 ext. 1

rgallucci@reverek12.org

The Complainant may also file a complaint with:

- The Mass.Commission Against Discrimination, 1 Ashburton Place, Room 601 Boston, MA 02108.
 Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
 5 Post Office Square, 8th Floor
 Boston, MA 02109.

Boston, MA 02109. Phone: 617-289-0111.

 The United States Equal Employment Opportunity Commission, John F. Kennedy Bldg.
 475 Government Center Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A

Title IXof the Education Amendments of 1972

BESE 603 CMR 26:00 34 CFR 106.44 (a), (a)-(b) 34 CFR 106.45 (a)-(b) (1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC December 2021 Revere: Amended April 2022

NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

RPS will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, RPS will act promptly to eliminate the conduct and will impose developmentally-appropriate disciplinary, restorative, and/or corrective action.

Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment or retaliation, against another member of the school community, will be subject to consequences determined appropriate by the administration. Such consequences may include restorative measures and corrective action, and/or student discipline or staff disciplinary action, up to and including termination of employment.

Definitions

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law, Discrimination and/or harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group described above.
- Verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of RPS; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, and that has the intent or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile educational or work environment.

"Title IX Sexual Harassment" (effective August 14, 2020) means verbal, physical or other conduct that targets a person based on their sex, and that satisfies one or more of the following:

- A school employee conditioning educational benefits or services on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Any unwelcome conduct that a reasonable person would find so severe, pervasive, and

- objectively offensive that it effectively denies a person equal access to the school's educational program or activity;
- Any instance of "sexual assault", "dating violence", "domestic violence", or "stalking", as those terms are defined by the Clery Act (20 U.S.C. 1092(f)(6)(A)(v)) and the Violence Against Women Act (34 U.S.C. 12291(a)(8), (10) & (30)).

Allegations of Title IX Sexual Harassment shall be reported and investigated pursuant to the Revere Public Schools Protocol for Investigating Sexual Harassment and Retaliation Pursuant to Title IX.

Resources

The following individual is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Revere Public Schools, and can be reached at:

Dr. Richard Gallucci, Assistant Superintendent 101 School St, Revere, MA 02151 (781) 286-8226 ext. 1 rgallucci@reverek12.org

Inquiries concerning the Revere Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may also be directed to the Director of Human Resources. Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109; (617) 289-0111; Email: OCR.Boston@ed.gov; Website: www.ed.gov/ocr

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375 Equal Pay Act, as amended by the Education Amendments of 1972 Title IX,

Education Amendments of 1972 Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America

Equal Access Act)

M.G.L. <u>71B:1</u>et seq. (Chapter 766 of the Acts of 1972)

CROSS REF: ACE, Non-Discrimination on the Basis of Disability

ACAB, Sexual Harassment

GBA, Equal Employment Opportunity

IJ, Instructional Materials

JB, Equal Educational Opportunities

Title IX Sexual Harassment Grievance Procedure

Civil Rights Grievance Procedure

SOURCE: MASC December 2021 Revere: Amended April 2022

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REPORT OF BIAS OR DISCRIMINATION/HARASSMENT INVOLVING A REVERE PUBLIC SCHOOL STUDENT OR FAMILY/CAREGIVER

PURPOSE & COMMITMENT

Revere Public Schools (RPS) believes that creating an equitable and inclusive school community requires deliberate work. All community members should be honored and respected; their voices and membership should be valued. For these reasons RPS is committed to protecting the school community by investigating all incidents in which members of the community are a person harmed/targeted of conduct in any form – verbal, physical, electronic, or other - that involves bias or discrimination/harassment that is prohibited by the law and by RPS policies.

RPS will investigate every such incident that comes to its attention. If the information is substantiated, RPS will take the steps that are necessary to address the conduct and establish a school environment that reduces the likelihood of such conduct in the future. RPS will make every effort to provide support and resources for affected individuals.

An essential part of this commitment is to encourage members of the school community to report all such incidents – whether they are a person harmed/targeted, a witness, or a recipient of information. These incidents include all conduct that is believed to be motivated by bias and discrimination, including actual or perceived bias based on race/color, religion, ethnicity, national origin, gender, gender identity/expression, age, disability, sexual orientation, or sexual harassment, as well as bullying.

REPORTING

Accordingly, a process will be made available to report such incidents. Students, parents, caregivers and others may request assistance from a staff member to complete a report. Students who reach out for support will be provided with practical, safe, private and age-appropriate ways to report and discuss an incident with a staff member or with the principal/designee.

This process will provide for multiple means to report an incident and will include:

- A written report form that may be submitted electronically via an online form, or printed out and submitted via email, hand-delivered at one of the schools or mailed to the Assistant Superintendent of Diversity, Equity and Inclusion at the District Office, 101 School Street, Revere, MA 02151.
- A report may be made by telephone/cell phone, online forum such as Zoom, etc., email, text, or in-person meeting with an appropriate school representative including the principal, assistant principal or the Office of Diversity Equity and Inclusion. The recipient of a report using these methods will document the allegation using the written report form.

Report Handling

School Principals and the RPS' Office of Equity and Inclusion will work to evaluate reports promptly. The timing and manner in which RPS addresses each report will depend upon the information provided.

- Internal processes and timelines for report follow-up, including initial investigation, assignment, oversight, and final determination with recommendation for action will be established. Within the bounds of confidentiality, every effort will be made to follow-up with the reporter.
- Data collection, analysis, and reporting mechanisms will be established to monitor repeated instances of bias or discrimination reporting from or about an individual as well as other key indicators.
- Reporters of multiple instances targeting a particular student are encouraged to follow the school's bullying reporting process; however initial screening will route the report to the appropriate party for follow-up including potential referral to the bullying/cyberbullying reporting process.

Privacy and Confidentiality

Confidentiality and trust are very important to the RPS. Every effort will be made to respect the privacy of a reporter, a witness, and a person harmed or targeted. RPS may not, however, be able to guarantee complete anonymity in certain circumstances. Information contained in a report will be shared with the appropriate RPS official(s) involved in investigation, resolution of the incident, and subsequent monitoring.

Reporters have the option to remain anonymous or to withhold their own contact information or names of witnesses. Anonymous reports may, however, significantly limit RPS' ability to address concerns. Among other things, remaining anonymous or withholding the names of other persons involved may impair RPS' ability to put in place steps to protect involved parties while the investigation proceeds and, ultimately, to corroborate the report and stop the conduct. While reports of all types are encouraged, please know anonymous reporting limits RPS ability to follow through on disciplinary or restorative actions with the person who caused the harm/targeting.

Zero Tolerance for Retaliation

ANY retaliation against a person who reports an incident — whether they are a person harmed/targeted, a witness, or a reporter of information — will not be tolerated and will be subjected to strict enforcement. This includes ALL FORMS OF RETALIATION, including threats, verbal communications, physical acts, electronic communications, written communications, and ostracism whether by the individual accused or by any other person(s) who become aware of the incident or report.

HARASSMENT OF STUDENTS

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the Revere Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsionpursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

Employee-to-Student Harassment means conduct of a written, verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

Student- to-Student Harassment means conduct of a written, verbal, or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students, when:

• Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse:
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative and/or corrective action.

The District will respond promptly and reasonably investigate allegations of sexual harassment through designation of the Title IX Coordinator or building based employees to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

LEGAL REF.: M.G.L. 151B:3A

Title IX of the Education Amendments of 1972

BESE 603 CMR 26:00 34 CFR 106.44 (a), (a)-(b) 34 CFR 106.45 (a)-(b) (1)

34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

CROSS REF.:

AC, Non-Discrimination Policy Including Harassment and Retaliation

SOURCE: MASC - December 2021

Revere: Adopted: April 2022