

DISCRIMINATION/HARASSMENT POLICY

It is the policy of the Beverly Public Schools to provide a safe and secure learning and work environment for all students and employees without distinction, where all school community members treat each other with respect. All programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability.

The Beverly School Committee is committed to the prevention, remediation, and accurate reporting of discrimination and harassment, bias incidents, and civil rights violations, including hate crimes, based upon race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability, and any other class or characteristic protected by law. The District also prohibits other harmful conduct for reasons unrelated to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability.

The Beverly School Committee has developed this policy to ensure that the educational opportunities of all students and the employment conditions of all employees are not threatened or limited by such violations of discrimination, or harassment to ensure that differences are respected and individuals are free to work, learn, and develop relationships without fear of intimidation, humiliation, or degradation.

Discrimination, sexual and bias-motivated harassment, hate crime, and violations of civil rights, bullying and cyberbullying disrupt the educational process and work place and will not be tolerated. 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 the Beverly Public Schools. Beverly Public Schools will employ cohesive, whole school practices to combat discrimination and harassment, effectively intervene, and empower bystanders.

It is a violation of this policy for any administrator, teacher or other employee, visitor or other third party to engage in or condone discrimination or harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of discrimination or harassment.

This policy defines: (a) prohibited conduct; (b) reporting and investigation procedures, and (c) disciplinary sanctions. It will be a violation of this policy for any employee or student of the Beverly Public Schools, visitor or contractor working in the District, to harass, or discriminate against, another employee, adult member of the school community, student, applicant for employment, or other person having business to conduct with the Beverly Public Schools, through conduct or communications. 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, visitors, recruiters, award and scholarship donors, school volunteers, parents and guardians.

The District will investigate promptly all reports and complaints of harassment, discrimination, hate crimes, bullying, cyberbullying, and retaliation, and take prompt, effective action to end that behavior and prevent its reoccurrence. Action will include, where appropriate, referral to a law enforcement agency or to the Department of Children & Families (DCF). The District will support this Policy in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, school-related activities, and school-related transportation. The intent of this policy is not merely to provide rules to prohibit inappropriate or illegal behavior, but also to support and educate all members of our school community as to appropriate behavior, which is consistent with individual dignity, respect for others, and an appreciation for the diversity in our schools.

In this school district, hate crime, discrimination, sexual harassment, harassment, and retaliation, are unacceptable and will not be tolerated. Discrimination and harassment, including sexual harassment, are unlawful and hurt all people. In addition, the bullying behavior, as defined in the District's Bullying Policy, includes staff to staff, staff to student and student to staff, is prohibited.

UNLAWFUL AND PROHIBITED CONDUCT DEFINED

Hate Crime: Hate crime is any crime motivated by hatred or bias, or where the victim is targeted then defiant or selected for the crime at least in part because the person is a different race, color, gender, religion, national origin, ethnicity, has a different sexual orientation or gender identity 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.

Discrimination: Discrimination occurs when an individual is treated differently, except where providing a reasonable accommodation for an individual with a disability, and/or unfairly in an educational or employment context, solely on the basis of the individual's race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability. Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges, or courses of study in a public school is discrimination. A person may not be subject to discipline or more severe punishment for wrongdoing, nor denied the same rights of other students, because of his/her membership in a protected class. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment. In all cases, such actions will be considered unwelcome for the very young (elementary school age students).

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, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, or disability (i.e. protected status), that is sufficiently severe, pervasive or persistent so as to interfere with 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. A victim may also be someone reasonably affected by conduct not toward another individual.

Sexual/Gender Harassment: Sexual/gender harassment is unlawful and prohibited conduct consisting of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct, communication of a sexual nature when: (a) submission to, or rejection of such conduct or communication is made explicitly or implicitly a term or condition of employment, education or academic achievement; (b) submission to, or rejection of such behavior is used as a basis for employment or academic decisions; and (c) such behavior unreasonably interferes with an individual's work or academic performance, or creates an intimidating, hostile, humiliating, offensive work or educational environment. Sexual harassment can be based on gender, gender identity or sexual orientation.

Cyberbullying: School Community members who feel that they have been the victims of such misuses of technology should not erase the offensive material from the system. They should photograph it and or print a copy of the material and immediately report the incident to a school official.

Hostile Environment: Hostile Environment is a situation in which harassment or bullying causes the school environment to be permeated with intimidation, humiliation, ridicule or insult that is sufficiently severe or pervasive to reasonably interfere or alter the conditions of the student's education or the employee's work.

Retaliation: Retaliation is 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 participating in an investigation under this policy, or for taking action consistent with this policy.

All unlawful and prohibited conduct may occur from male to female, female to male, male to male, female to female, student to student, student to employee, employee to student, employee to employee, or from a third party on school property or at a school related activity.

For purposes of this policy whenever the term harassment is used, it is to denote either harassment or sexual harassment.

Examples of behavior prohibited by this policy shall include, but not be limited to:

- 1) **Verbal Conduct:** Use of negative or offensive racial, ethnic, religious, or sexual slurs or epithets; name calling, making offensive noises, teasing, taunting, jokes, or other derogatory or dehumanizing remarks by an individual or group, when it is based on an individual's race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability, or any other class or characteristic protected by law; repeated unwanted requests for dates, sexual rumors, and making gender-based references to a person's physical characteristics.
- 2) **Written Conduct:** Use of symbols, notes, calendars, graffiti, book covers, text messages, computer messages, including internet and email or other digital communication devices of a threatening, sexual, harassing, or pornographic, intimidating nature, or designs on clothing meant to offend another on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or disability, or other identifying characteristic.
- 3) **Nonverbal Conduct:** Exclusion, offensive, threatening, or suggestive gestures, blogging, destroying property, following or stalking a person, cornering or blocking a person, leering, or pressuring for sexual activities.
- 4) **Visual Conduct:** Displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, drawings, or posters or taking and/or sending sexually suggestive or sexually provocative photographs (sexting) by way of cell phones, computers, or other digital communication devices.
- 5) **Physical Contact:** Unwelcome touching of a person or person's clothing in a sexual or aggressive manner; restraining a person's movements; or any other act of physical intimidation, as in gesturing, pushing, hitting, shoving, and/or kicking.

These behaviors are prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by the school district, or through the use of technology or an electronic device owned, leased or used by the school district and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by the school district, if the behavior creates a hostile environment at school for the victim, infringes on the rights of

the victim or others at school or materially and substantially disrupts the education process or the orderly operation of a school.

If certain conduct is not listed in the foregoing list but does fall into any other class or characteristic protected by law or by school policy, said behavior will be considered inappropriate and prohibited. Inappropriate conduct not listed will be subject to investigation and disciplinary action under this policy.

Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

RESPONSIBILITIES

The Beverly Public School District is responsible for the dissemination of this policy. The Superintendent will develop procedures to guarantee implementation of the policy. All students, teachers, administrators, and all other school personnel of the Beverly Public School District are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy.

The District will: (a) develop a method of discussing this policy with all of its membership, in its entirety, with students in an age-appropriate manner and with all employees; (b) provide appropriate training to students and employees, and for the administrators and equity coordinators, who are assigned the responsibility to implement the procedures of this policy; (c) see that this policy is reviewed by the Superintendent's Office, at least annually, for compliance with State and Federal laws; and (d) send an updated Title(s) VI & IX and Bullying Advisory to all parents and employees by October 1st of each school year.

Administrators and principals are responsible to ensure that a policy summary is conspicuously posted in each classroom, school office, and other appropriate student/employee work areas, that it is printed in each school student handbook and that it is posted in schools and on the District website. The posting shall include the name and contact information of each school's equity coordinator(s) as well as the name and contact information of the Title(s) VI & IX Coordinator.

Any employee including, but not limited to, an educator, an administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, paraprofessional, or advisor to an extracurricular activity who becomes aware of an incident of discrimination, harassment, and/or retaliation must immediately report the incident to a school administrator or equity coordinator in their respective school building. This requirement to report does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school policy and practice. Reports made by students, parents, or guardians, other individuals who are not school or district staff members, may be made anonymously. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of harassment or the district's subsequent actions or inaction in connection thereto. As soon as practicable, equity coordinators will promptly notify the building principal and Title(s) VI & IX Coordinator of incidents of discrimination, harassment, or retaliation.

Student bystanders who witness discrimination, harassment, and/or retaliation are strongly encouraged to report the incident to the principal, building equity coordinator, Title(s) VI & IX Coordinator, or any school staff member in your building.

Equity coordinators, specially trained people in each school building, will provide information to employees and students about the District policy and procedures against

discrimination/harassment. They will be available to discuss any concern a student, parent, or employee may have. They will facilitate the complaint process for employees, and are responsible to investigate and remediate student complaints. Central Office equity coordinators will receive and investigate reports of alleged prohibited conduct from Central Office staff, including clerical, custodial, cafeteria and transportation employees.

Equity coordinators must report to and keep the Title(s) VI & IX Coordinator apprised of each formal complaint and the status of the investigation. Equity coordinators will attend specialized training and workshops, as directed. Notice of each building equity coordinator will be posted in prominent locations throughout each school building and on the District's website. The Title(s) VI & IX Coordinator is responsible to process complaints involving employees and adults.

The response to and resolution of complaints will be guided by the following goals: (a) focus on education and changing behavior rather than disciplinary action exclusively; (b) engage students and staff in dialogue so that they understand the impact of behavior and attitudes; (c) maintain the confidentiality of victims, offenders, witnesses, and others who report discrimination or harassment, or participate in the investigation of complaints to the extent possible; (d) protect the complainant, witnesses, and others who report discrimination or harassment or participate in the investigation of complaints from retaliation; (e) insure prompt, thorough attention and remediation to all complaints protecting and restoring a sense of safety for the victim and complainant; (f) promptly notifying parents or guardians of the victim and perpetrator and to the extent consistent with the state and federal law. Discipline procedures for students with disabilities will be consistent with the federal Individuals with Disabilities in Education Act (IDEA) and state laws regarding student discipline.

PROCEDURES FOR REPORTING AND INVESTIGATING COMPLAINTS

Reporting Procedures

- 1) Any student or other person (who is not a school employee, independent contractor, or school volunteer) who becomes aware or has a reasonable belief that an incident prohibited by this policy has occurred, or may have occurred on school property or in a school-related activity is strongly encouraged to and should promptly report the incident(s) to the building principal or equity coordinator, or to the Title(s) VI & IX Coordinator. In situations where a student or other person does not feel comfortable reporting the incident to a designated official, he/she may report it to a trusted school employee, who must promptly transmit the report to a designated official.
- 2) Any school community member may report possible incidents of discrimination, harassment, bullying, cyberbullying, retaliation, or hate crime directly to an equity coordinator, principal, or to the Title(s) VI & IX coordinator.
- 3) If the reported incident involves students from more than one school or school district, the principal or designee will promptly notify by telephone the principal or designee of the other school(s) of the incident in accordance with state and federal privacy laws and regulations.
- 4) When a report or complaint involves physical injury, the principal (or his/her designee) will promptly report the incident to the Superintendent and Title(s) VI & IX Coordinator.
- 5) If the complainant does not choose to file a written complaint to an equity coordinator, supervisor, principal, or Title(s) VI & IX Coordinator, then the equity coordinator, supervisor, principal or the Title(s) VI & IX Coordinator will record the complaint in writing, using the complainant's own words.

- 6) Nothing in this policy shall prevent any person from reporting alleged prohibited conduct directly to the Title(s) VI & IX Coordinator or the Superintendent. Furthermore, nothing in this policy will prevent any person from reporting alleged prohibited conduct to an administrator other than the administrators designated, or in the case of a student, to any district employee who should then transmit the information to an equity coordinator or Title(s) VI & IX Coordinator.
- 7) If the complaint involves an administrator, principal, or the designated Title(s) VI & IX Coordinator, the complaint shall be made or filed directly with the Superintendent. If a complaint involves the Superintendent, the report will be filed directly with the School Committee.

Students

Students who believe that they are victims of discrimination, harassment, or retaliation should report such occurrences to an equity coordinator or to a teacher, counselor, principal or administrator, who will in turn notify an equity coordinator. Students may also report directly to the Title(s) VI & IX Coordinator or Superintendent or his/her designee. Verbal or written reports will be accepted.

Reports of discrimination, and/or retaliation may be made anonymously; however, no disciplinary action will be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of discrimination, harassment, or retaliation shall be subject to disciplinary action.

Employees/Contractors/Volunteers

Employees/Contractors/Volunteers who believe that they are victims of discrimination, harassment, or retaliation should report such occurrences to their immediate supervisor, an equity coordinator, their building principal, the Title(s) VI & IX Coordinator, or the Superintendent of Schools or his/her designee. Any school employee, independent contractor, or school volunteer who becomes aware or has reasonable belief that an incident prohibited by this policy has occurred, or may have occurred, on school property or in a school-related activity, whether such conduct has been directed at him/her or some other person, must promptly report the alleged incident to a building or district equity coordinator, supervisor, principal, or Title(s) VI & IX Coordinator.

Failure of an employee of the Beverly Public Schools to report an incident of discrimination or harassment may result in disciplinary action. All employees are expected to promote the spirit of this policy. All district employees must always take every complaint of discrimination/harassment seriously, and in accordance with the procedures outlined in this policy.

Any employee who knowingly makes a false accusation of discrimination, harassment, or retaliation shall be subject to disciplinary action.

Filing A Complaint

- 1) All complaints or reports about a violation of this policy must be documented. It is advised that incidents are recorded on the District's "Discrimination/Harassment Incident Report Form" (Attachment I). This form is available in all school offices and on the district website. If a complainant or reporter is either unwilling or unable to complete the District's Discrimination/Harassment Incident Report Form and would prefer to file an oral complaint, the official who receives the oral complaint will promptly prepare a written report, by filling out the District's Discrimination/Harassment Incident Report Form, using, to the extent possible, the reporter's or complainant's own words to describe the potential violation.
- 2) The equity coordinator and/or Title(s) VI & IX Coordinator will maintain any and all documentation regarding a Discrimination/Harassment complaint. Important information must be documented, including the nature, the allegation(s) and the circumstances surrounding the complaint, the individual(s) involved, witnesses the chronology of the events, and the investigation summary with outcomes and recommendations. Information may be shared with the Superintendent, Title(s) VI & IX Coordinator, other equity coordinators, and/or the building principal.
- 3) Upon receipt of a report, the equity coordinator or Title(s) VI & IX Coordinator 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 designated official does not obtain the identity of or cooperation by the alleged victim(s), the District will investigate the allegations, and proceed to Informal and Formal Proceedings, to the extent practicable.

Reporting Sexual Abuse and Other Serious Criminal Conduct

- 1) Massachusetts 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 & Families (DCF). Under M.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 Department of Children & Families (DCF) or to the person designated by the school to accept those reports, who, in turn, must promptly report the abuse to the Department of Children & Families (DCF).
- 2) The principal, Title(s) VI & IX Coordinator, and/or Superintendent will notify law enforcement if they believe criminal charges may be pursued against a perpetrator. Certain forms of discrimination and harassment, identity theft or fraud; sexual harassment, including cyber and sexting, unwanted sexual touching, or sexual assault may constitute a crime and will be reported to the Beverly Police Department and/or to the Department of Children & Families (DCF).
- 3) The principal, Title(s) VI & IX Coordinator, and/or Superintendent will report physical injury, destruction of public property, potential hate crimes, illegal harassment, and other acts of a serious criminal nature to the Beverly Police Department for criminal investigation. In addition, a hate crime will be reported to the Essex County District Attorney's Office.

Investigation Procedures

- 1) The Beverly Public Schools will investigate all forms of discrimination, harassment, and prohibited behavior based on our policy. Such investigation may include discussions with all involved parties, identification and questioning of witnesses, and other appropriate actions.
- 2) Reports of discrimination/harassment and related information will be kept confidential in a manner consistent with the district's obligations under law, to the extent possible, without handicapping the ability to perform an investigation, or the need to take appropriate action to fulfill the obligation to protect others.
- 3) Attempts will be made to address and resolve the complaint informally. The Beverly Public Schools may elect to utilize a formal or informal process, depending on the nature and severity of the conduct alleged.
- 4) The District will employ interim steps to protect parties, and to prevent the possible continuation of discrimination, harassment, or prohibited behavior during informal and formal investigations. The complainant and respondent will be apprised of the status of the processing and investigation regularly throughout the investigative process.
- 5) The equity coordinator or Title(s) VI & IX Coordinator will either verbally or in writing make any recommendation(s) for resolving the complaint and present it to the complainant, the respondent, and make recommendations for corrective action and/or discipline and steps to prevent reoccurrence to the building principal and/or supervisor(s). All formal complaints will be responded to in writing. Parents/guardians of a victim and perpetrator will be notified, including the action taken to prevent further episodes. The principal, designee will be notifying law enforcement when criminal charges may be pursued against the perpetrator.
- 6) Any complainant or respondent may request records as the law allows. This request would be made through the Title(s) VI & IX Coordinator. All materials gathered in the course of the investigation, including the complaints, responses, witness statements, investigators' notes, and supporting documentation will be maintained in separate, confidential files in the Central Office.

Informal Complaints

The informal complaint will be given to the equity coordinator or to the Title(s) VI & IX Coordinator to investigate. The equity coordinator or the Title(s) VI & IX Coordinator will process student complaints, completing the investigation within 14 (fourteen) days. The Title(s) VI & IX Coordinator will process complaints involving employees. The Title(s) VI & IX Coordinator and/or the Superintendent and/or his/her designee will process complaints involving administrators or principals. The Central Office equity coordinator(s) will perform an investigative role and make recommendations to the Title(s) VI & IX Coordinator and/or the Superintendent regarding corrective action, and/or discipline concerning non-instructional support staff.

The equity coordinator or Title(s) VI & IX Coordinator will explain the informal process, ask what the student/employee would like, explain prohibition against retaliation and proceed with an internal review of the complaint. At the conclusion of the informal and review levels, the complainant and the respondent will be informed, either verbally or in writing, of the decision. Attempts will be made through corrective action and or discipline to stop the behavior and prevent its reoccurrences. The complainant will be asked if they

agree with the proposed resolution. They will be strongly encouraged to come forth immediately if there is any further misconduct by the respondent. The complainant may file a formal, oral and/or written, grievance with the equity coordinator, principal, or Title(s) VI & IX Coordinator within 14 (fourteen) calendar days after receiving the response to the informal complaint.

If all of the parties involved within the complaint process agree to extend the informal process, the 14-day process requirement may be waived.

Formal Complaints

If the response was insufficient to satisfy the complainant, or if the complainant and/or respondent are not satisfied with the informal resolution, or if the complaint is determined to be of such magnitude and/or seriousness, a formal process will be instituted and completed within 14 (fourteen) work days unless there is good cause for delay which shall be documented.

The allegation(s) will be properly drafted and the investigative procedure will be explained to the complainant. The Title(s) VI & IX Coordinator will assist the equity coordinator with the investigation, may assume responsibility for the investigation, or may authorize an investigation by a third party who shall report to the Title(s) VI & IX Coordinator. The Title(s) VI & IX Coordinator will work with the equity coordinator to gather as much relevant information as possible concerning the complaint. Any witnesses who have direct knowledge of the alleged discriminatory/harassing act(s) will be interviewed. The Title(s) VI & IX Coordinator will give periodic reports to the building principal and Superintendent on the status and outcome of formal complaints.

At the close of a formal investigation, the complainant and respondent will be informed in writing that the alleged complaint was substantiated or unsubstantiated. In accordance with State and Federal law regarding date or records privacy, the complainant will also be informed that appropriate action has been taken. If the evidence shows there is reasonable cause to believe discrimination/harassment has occurred, attempts will be made, through corrective action(s) and/or discipline, to stop the behavior and prevent its reoccurrence.

If the complainant is dissatisfied with the response of the equity coordinator or Title(s) VI & IX Coordinator, he/she may submit a written request for review to the Superintendent and/or his/her designee within 14 (fourteen) calendar days. The Superintendent and/or his/her designee must respond, in writing, within 7 (seven) calendar days. The Superintendent reserves the right to extend the 7-day response period where business needs so require, upon notice to the parties.

Records of any grievance filed by a complainant will not be placed in the complainant's personnel file or school record.

Student Complaints

The equity coordinator will gather all pertinent facts from the complainant and provide an explanation as to the formal and informal procedures. The equity coordinator will investigate the allegations and conduct interviews with witnesses. The investigation will be initiated expeditiously, and will be completed in a timely manner.

The equity coordinator will share his/her findings with the building principal and Title(s) VI & IX Coordinator, making recommendations for corrective action and discipline, if indicated. If a complaint is substantiated, a report of the incident and its resolution may

be placed in the offender's discipline file. Discipline, if indicated, will be administered by the building principal or his/her designee.

Staff Member - Student Complaints

In a situation involving a charge of discrimination or harassment or prohibited behavior between a staff member and a student, the information should be brought to the attention of the principal and Title(s) VI & IX Coordinator immediately. They will inform the Superintendent or his/her designee and the Title(s) VI & IX Coordinator will commence an investigation immediately. Representation in this process is the right of any employee. A report of the incident and its resolution may be placed in the personnel file of the staff person. Discipline, if indicated, will be administered by the building principal, supervisor, or Superintendent.

If an alleged sexual harassment constitutes sexual abuse of a child by a "caretaker" (e.g. a school staff member), the principal will report the suspected abuse to the Department of Children & Families (DCF), as required by M.G.L. 119, Section 5 IA and to the Superintendent of Schools.

Staff Member - Staff Member Complaints

In a situation involving a charge of staff member to staff member of discrimination, harassment, or prohibited behavior, the equity coordinator should notify the building principal and the Title(s) VI & IX Coordinator. The principal or Title(s) VI & IX Coordinator will inform the Superintendent or his/her designee. The Title(s) VI & IX Coordinator will commence an investigation immediately corresponding to respective collective bargaining grievance procedures. Any employee has the right to representation in this process. The Title(s) VI & IX Coordinator is not an association/union member in the same bargaining unit as the accused. A report of the incident and its resolution may be placed in the personnel files of the staff person(s).

All complainants will have the opportunity to provide more information during and after the investigation. The complainant and respondent will have an opportunity to request a review by the Superintendent if he/she is dissatisfied with the results and/or progress of the investigation. In the case of substantiated discrimination or harassment by an employee, the Superintendent or designee will include a written statement of the findings, a summary of investigative materials, the corrective action taken, and the consequences of continued discrimination/harassment in the individual's personnel file.

These aforementioned procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Massachusetts Department of Elementary & Secondary Education, Massachusetts Commission Against Discrimination, Equal Employment Opportunity Commission, and the Office of Civil Rights of the U. S. Department of Education, initiating civil action or seeking redress under criminal statutes and/or federal law.

Corrective Action

Upon completion of an investigation and substantiation of the complaint, the School District will take appropriate corrective action for the respondent and complainant, as indicated. Such action may include, but is not limited to, a written or verbal apology, directive to stop the offensive behavior, parent/supervisory conference, counseling, training, parent engagement, or remediation. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Massachusetts and federal laws, and School District policies. In accordance with State and Federal law regarding date or records privacy, the complainant will also be informed that appropriate corrective action has been taken.

If the complainant (student or employee) does not agree to the corrective action or cannot agree to a resolution, he/she may appeal to the Superintendent of Schools; take the complaint to the US Department of Education, Office for Civil Rights, Department of Elementary & Secondary Education, or the US Equal Employment Opportunity Commission.

If the offender (student or employee) refuses to agree to the corrective and/or disciplinary action, the Beverly Public Schools may order appropriate corrective and/or disciplinary action without consent, and may refer the complainant to the Massachusetts Commission Against Discrimination or US Department of Education Office of Civil Rights, District Attorney's Office, and/or Juvenile or District Court Department.

Discipline

Any student or staff member of the Beverly Public Schools who is found to be in violation of this Policy is subject to appropriate disciplinary action, up to and including warning, suspension, legal action, exclusion, expulsion, transfer or discharge.

If the student's discriminating or harassing conduct warrants, disciplinary procedures exercised by the principal will be instituted in accordance with the student handbook and the policy of the Beverly Public Schools. An incident report to the School Resource Officer of the Beverly Police Department will be filed and/or a referral to the Essex County Juvenile Court may be filed. A 51A Report or Child Requiring Assistance Petition may be filed.

Employee disciplinary action will be consistent with the requirement of applicable collective bargaining agreements, Massachusetts and Federal laws and School District policies.

Any third parties, such as vendors or contractors doing business with the Beverly Public Schools, found to have engaged in discrimination or harassment may be subject to legal action and contract termination consistent with federal and state law.

Retaliation

The School Administration will discipline or take appropriate action against any student, teacher, administrator, or school personnel who retaliates in any form against a person who makes a complaint, reports or participates in an investigation of a discrimination/harassment complaint. Acts of retaliation may result in immediate disciplinary action, including expulsion or dismissal, even if underlying discrimination or harassment is not proven. If the building principal, equity coordinator, and/or Title(s) VI & IX Coordinator believe that either the victim or respondent is in physical or emotional danger, the parents or guardians and the Beverly Police Department will be notified immediately. Retaliation is an independent prohibited and unlawful act.

Legal References:

Title VI of the Civil Rights Act of 1964
The Equal Education Opportunities Act of 1974
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990
The No Child Left Behind Act of 2001
M.G.L. c. 71A and c. 76, s. 5
M.G.L.c. 71 § 370
Chapter 92 of the Acts of 2010
And other federal and state laws

Any employee, student, or parent acting for a student may file a complaint with the following agencies:

The U.S. Equal Employment Opportunity Commission (Boston Area)

J. F. Kennedy Federal Building, Room 475
Government Center
Boston, MA 02203
Telephone: 617-565-3200

Massachusetts Commission Against Discrimination

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
Telephone: 617-727-3990

Massachusetts Commission Against Discrimination

Springfield Office:

436 Dwight Street, Room 220
Springfield, MA 01103
Telephone: 413-739-2145

United States Department of Education

The Office for Civil Rights

Boston Office:

33 Arch Street, Suite 900
Boston, MA 02110-1491
Telephone: 617-289-0111

Attorney General's Office

Civil Rights Division

Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Telephone: 617-727-2200

Essex County District Attorney's Office

10 Federal Street
Salem, MA 01970
Telephone: 978-745-6610

Adopted: January 12, 2005
Revised: May 20, 2009
Revised: November 10, 2010

To be available in all school offices.

**BEVERLY PUBLIC SCHOOLS
STUDENT/PARENT DISCRIMINATION / HARASSMENT / BULLYING
REPORTING FORM**

Name of Reporter/Person Filing the Report: _____

Check whether you are the: Target of the behavior € Reporter (not the target) €

Check whether you are a: € Student € Staff member (specify role) _____
€ Parent € Administrator € Other (specify) _____

Your contact information/telephone number: _____

If student, your school: _____

If staff member, school or work site: _____

Information about the Incident:

Name of Target (of behavior): _____

Name of Aggressor (Person who engaged in the behavior): _____

Date(s) of Incident(s): _____

Time When Incident(s) Occurred: _____

Location of Incident(s) (Be specific as possible): _____

Is this incident of harassment, bullying, or retaliation? (Please circle one).

Witnesses (List people who saw the incident or have information about it):

Name: _____ € Student € Staff € Other _____

Name: _____ € Student € Staff € Other _____

Name: _____ € Student € Staff € Other _____

Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.

Signature of Person Filing this Report: _____ Date: _____

Form Given to: _____ Position: _____ Date: _____

