

# **Somerset-Berkley Regional School District**

## **Civil Rights Information**

Procedures, Rights and Responsibilities  
Regarding

## **Discrimination and Harassment**



# Somerset Public Schools

580 Whetstone Hill Road  
Somerset, MA 02726  
(508) 324-3100

## NON-DISCRIMINATION STATEMENT

The Somerset Public School District does not discriminate in admission to, access to, treatment in, or employment in its services, programs and activities, on the basis of race, color or national origin, in accordance with Title VI of the Civil Right Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of age, in accordance with the Age Discrimination in Employment Act of 1975 (Age Discrimination Act); on the basis of domicile in accordance Title VIIB of the McKinney-Vento Homeless Assistance Act of 2001; on the basis of native language in accordance with the No Child Left Behind Act of 2001, on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of sexual orientation or religion in accordance with *Mass. Gen. Laws, Chapter 71 and 151B*.

To file a complaint alleging discrimination or harassment by Somerset Public Schools on the basis of race, color, national origin, sex, age, domicile, native language, sexual orientation, or religion or to make inquiry concerning the application of Title VI, Title VII, Title IX, the Age Discrimination Act, and their respective implementing regulations, please contact:

Richard Medeiros  
Superintendent  
Somerset Public Schools  
580 Whetstone Hill Road  
Somerset, MA 02726  
Telephone: (508) 324-3100

To file a complaint alleging discrimination or harassment by Somerset Public Schools on the basis of disability or to make inquiry concerning the application of Section 504 and the ADA and their respective implementing regulations, please contact:

Susan Doe  
Director of Special Education  
Somerset Public Schools  
580 Whetstone Hill Road  
Somerset, MA 02726  
Telephone: (508) 324-3100

Inquiries concerning the applicability of the aforementioned federal laws and regulations to Somerset Public Schools may also be referred to the U.S. Department of Education, Office of Civil Rights (OCR), 33 Arch Street, Ninth Floor, Boston, MA 02110, telephone number (617) 289-0111, Fax (617) 289-0150

# **Somerset-Berkley Regional School District Somerset, Massachusetts**

## **NOTIFICATION OF SECTION 504 AND TITLE IX COMPLIANCE OFFICERS**

Section 504 of the Rehabilitation Act of 1973 and its accompanying regulations prohibit the discrimination towards any individual on the basis of his/her disability. Accordingly, all employees of the Somerset-Berkley Regional School District are expected to adhere to School Committee policy which prohibits discrimination on the basis of disability. Any employee or parent who feels that he/she or his/her child has been discriminated against on the basis of a disability should file a written complaint with the school department's compliance officer. The written complaint should state in detail the basis of the complaint, the names of the persons involved and the dates of the specific complaint.

The Somerset-Berkley Regional School District's Compliance Officer for Section 504 of the Rehabilitation Act is as follows:

Susan Doe  
Director of Special Education  
Somerset-Berkley Regional School District  
580 Whetstone Hill Road  
Somerset, MA 02726  
(508) 324-3100

It is the policy of the Somerset-Berkley Regional School District to maintain a working and learning environment for all its employees and students by providing fair and equitable treatment including freedom from sexual discrimination and sexual harassment. Any employee or parent who feels that he/she or his/her child has been subjected to sexual discrimination or sexual harassment should file a written complaint of the alleged act to the Title IX Compliance Officer. The written complaint should state in detail the basis of the complaint, the names of the persons involved and the dates of the specific complaint.

The Somerset-Berkley Regional School District's Compliance Office for Title IX is as follows:  
Richard W. Medeiros

Superintendent of Schools  
Somerset-Berkley Regional School District  
580 Whetstone Hill Road  
Somerset, MA 02726  
(508) 324-3100

# Somerset-Berkley Regional School District

## Statement of Civil Rights Policy

The Somerset-Berkley Regional School District recognizes the right of each student and employee to perform in an atmosphere free of harassment, intimidation, ridicule, hostility or offensiveness. The Somerset-Berkley Regional School District extends its policy of non-discrimination to students, staff, the general public, and individuals with whom it does business. No person shall be excluded or discriminated against on the basis of race, color, national origin, sex, age, domicile, native language, disability, sexual orientation, or religion. Anyone aggrieved by or complaining of discrimination because of race, color, national origin, sex, age, domicile, native language, disability, sexual orientation, or religion may register a complaint with the Civil Rights Compliance Coordinator at the Office of the Superintendent, 580 Whetstone Hill Road, Somerset, MA 02726 (508-324-3100). The Title VI and IX Coordinator is the Superintendent, Richard Medeiros, and the Section 504 Coordinator is the Director of Special Education, Susan Doe.

### **I. GRIEVANCE PROCEDURE**

Once the Civil Rights Compliance Coordinator, principal or supervisor is notified, an immediate investigation of the allegation(s) will be conducted and necessary corrective action shall be taken through the grievance process. No employee or student shall be subjected to adverse treatment because the employee or student made a complaint. All appropriate confidences shall be maintained.

### **II. GRIEVANCE PROCESS**

Students and employees are encouraged but not required to directly object to acts or behavior felt to be discriminatory. If (s)he feels uncomfortable in doing so, or if the issue is unresolved after direct discussion, (s)he should inform the school principal and/or Civil Rights Compliance Coordinator.

The Civil Rights Compliance Coordinator may advise the aggrieved of various options:

- Formal or informal implementation of the grievance process;
- Filing a complaint with the Massachusetts Department of Education
- Filing a complaint with the Massachusetts Commission Against Discrimination
- Filing a complaint with the U.S. Department of Education Office of Civil Rights
- Filing a private lawsuit

### **III. INFORMAL PROCESS**

Once the grievance is brought to the attention of the Civil Rights Compliance Coordinator, (s)he shall attempt to resolve the matter through fact finding.

If the Civil Rights Compliance Coordinator is unable to resolve the complaint, the complainant may move to the formal grievance procedure. The Civil Rights Compliance Coordinator then becomes a resource to all parties.

### **IV. FORMAL PROCESS**

- A. For any employee who is covered by a collective bargaining agreement, they would access the formal grievance process that is outlined in their respective collective bargaining agreements.
- B. For students, parents, employees not covered by a collective bargaining agreement and any other aggrieved party the following formal procedure will be followed:

1. The complainant may file a formal grievance with the principal or supervisor within 30(thirty) working days (school days for students and school year employees) of the date that the complaint was made to the Civil Rights Compliance Coordinator. If all of the parties involved in the complaint process desire to extend the formal process, the 30-day requirement may be waived. If the complainant does not file a written complaint to the principal or supervisor, the principal or supervisor will record the complaint in writing. If the complaint process begins with the principal, then the formal process ensues.
2. Within fourteen (14) days (school days for students or school year employees) from receipt of the complaint, the principal/supervisor must investigate and respond in writing with her/his review of the incident and of any action taken or decision made. The principal/supervisor may notify the parent/guardian in accordance with established school policy if a student under 18 (eighteen) years of age is involved. The investigation may include but is not limited to the following:
  - meeting with the person charged to obtain a response to the complaint;
  - conducting interviews of possible witnesses to any alleged events;
  - report the matter to local police if criminal activity is involved (see Massachusetts general Laws, Chapter 265 section 43, which prohibits stalking, and chapter 269 section 17 which prohibits hazing) and/or suspected child abuse to the Department of Social Services as required by Massachusetts General Laws chapter 119 section 51A;
  - subject to the requirements of due process, take disciplinary action against the person charged pursuant to any collective bargaining agreement, student handbook, and state and federal law, including without limitation, a letter of reprimand or warning or a suspension of 1(one) to 10 (ten) days;
  - Superintendent and/or his/her designee may impose further disciplinary action.
3. The written report must contain the following information:
  - All facts and circumstances of the incident;
  - Verification of parent or guardian notification if a student under 18 (eighteen) years of age is involved;
  - A summary of the investigation of all allegations which will include interviews with all individuals reasonably believed to have relevant information: the complainant, the person charged, and if either is under the age of 18 (eighteen), their parent(s)/guardian(s), witnesses, and anyone who may have been the victim of similar conduct.
4. If the complainant is dissatisfied with the response of the principal or supervisor, (s) he may submit a written request for review to the Superintendent of Schools within 30 (thirty) days (school days for students and school year employees). The Superintendent of Schools or designee must respond, in writing, within 14 (fourteen) working days.
5. An employee, student or parent/guardian acting on behalf of a student may at any time file a grievance with the following agencies:

United States Department of Education  
Region 1, John W. McCormack Building, C.H. Room 222  
Boston, MA 02109-4557 Telephone: (617) 223-9317

Massachusetts Human Rights Commission  
51 Inman St. Second Floor  
Cambridge, MA 02139 Telephone: (617) 349-4396

# **LAWS GOVERNING DISCRIMINATION/HARASSMENT**

## **Americans with Disabilities Act of 1990**

Title I: Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of employment.

Title II: Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of educational programming activities.

## **Civil Rights Act of 1964**

Title VI: Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, and national origin.

## **The Education Amendments of 1972**

Title IX: Prohibits discrimination, exclusion from participation, and denial of benefits in education programs based on sex.

## **The Rehabilitation Act of 1973**

Section 504: Prohibits discrimination, exclusion from participation, and denial of benefits based on disability.

## **Massachusetts General Laws, Chapter 76**

Section 5: Prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion and sexual orientation.

## **The Age Discrimination in Employment Act of 1975**

Prohibits discrimination on the basis of age.

## **The McKinney-Vento Homeless Assistance Act of 2001**

Title VIIB: Prohibits discrimination on the basis of domicile

## **The No Child Left Behind Act of 2001**

Prohibits discrimination on the basis of native language

# **Somerset Berkley Regional School District**

## **POLICIES GOVERNING DISCRIMINATION/HARASSMENT**

<b>Policy AC</b>	<b>NON-DISCRIMINATION</b>
<b>Policy ACA</b>	<b>NON-DISCRIMINATION ON THE BASIS OF SEX</b>
<b>Policy ACAB</b>	<b>SEXUAL HARASSMENT</b>
<b>Policy ACE</b>	<b>NON-DISCRIMINATION ON THE BASIS OF HANDICAP</b>
<b>Policy IHBA</b>	<b>PROGRAMS FOR STUDENTS WITH DISABILITIES</b>
<b>Policy JB</b>	<b>EQUAL EDUCATIONAL OPPORTUNITIES</b>
<b>Policy JBA</b>	<b>STUDENT-TO-STUDENT HARASSMENT</b>
<b>Policy JI</b>	<b>STUDENT RIGHTS AND RESPONSIBILITIES</b>
<b>Policy JICFB</b>	<b>BULLYING</b>

## **NONDISCRIMINATION**

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage 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. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of review policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to the public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

Source: MASC

Legal Refs: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by 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  
M.G.L. 71B: 1 et seq. (Chapter 766 of the Act of 1972)  
M.G.L. 76:5; Amended 2011  
M.G.L. 76:16  
BESE regulations 603CMR 26.00 Amended 2012  
BESE regulations 603CMR 28.00

Cross Refs: ACA-ACE Subcategories for Nondiscrimination  
GBA, Equal Employment Opportunity  
JB, Equal Educational Opportunities

NOTE: This category is for a general policy covering all types of nondiscrimination and relating to students, staff, and others. Federal and state laws apply.

If a policy relates to staff only, to students only, or a particular form of nondiscrimination, it is better filed elsewhere. Appropriate codes for such statements are indicated by the cross-references.

Regulations pertaining to all forms of nondiscrimination – or a procedure all persons can resort to for redress of grievances related to nondiscrimination – would follow under code AC-R

Law in most instances requires official School Committee approval of regulations in this area.

***Adopted by the Somerset Berkley Regional School Committee September 27, 2012***

***Somerset Berkley Regional School District***

File: ACA

## **NONDISCRIMINATION ON THE BASIS OF SEX**

The School committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

SOURCE: MASC

LEGAL REFS: Title IX of the Education Amendments of 1972  
45 CFR, Part 86, (Federal Register, 6/4/75)  
M.G.L. 76:5: 76:16 (Chapter 622 of the Acts of 1971)  
603 CMR 26:00

CROSS REFS.: AC, Nondiscrimination

***Adopted by the Somerset Berkley Regional School Committee September 27, 2012***

## **SEXUAL HARASSMENT**

Somerset Berkley Regional School District is committed to maintaining a learning environment that is free of harassment. Sexual harassment will not be tolerated in Somerset Berkley Regional School District. The School Committee prohibits the unlawful sexual harassment of any student or employee by any student, employee or other person at school or at any school-related function.

Persons found in violation of this policy will be subject to disciplinary sanctions as referenced below. This policy is implemented pursuant to the terms of state and federal law. It applies equally to all students and personnel.

### Definition

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment/academic decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, or offensive, working environment.

### Responsibility

- a. Any employee having knowledge of conduct by another employee, volunteer, student or individual in the school community, which may constitute sexual harassment of any person, is required to immediately report such conduct to any of the individuals specified in this policy.
- b. Employees are hereby placed on notice that if an employee engages in acts which the district determines to be acts of sexual harassment, such acts are outside of the course and scope of the employee's employment. Such conduct may result in the employee having to obtain his/her own legal counsel and sexual harassment may result in a judgement against the employee personally.
- c. Private, personal, consensual conduct may at some point become unwelcome. Any student advised that a fellow student, or any employee advised that a fellow employee believes certain conduct to be unwelcome shall cease such conduct immediately. Any conduct within the definition of sexual harassment as referenced above and following such notice may be considered to be sexual harassment.

NOTE: any persons, including students, who participate in a consensual relationship and who at some point wish to discontinue the relationship, should tell the other participant, either verbally or in writing, that the conduct is no longer consensual or welcome and therefore all such conduct must cease.

- d. All employees and students shall cooperate with any investigation conducted by the district of an alleged act of sexual harassment/discrimination. No employee of the district shall take any action to discourage a victim of sexual harassment from reporting such an instance.

### Reporting

- a. Employees who believe that they have suffered sexual harassment shall report such matters to their supervisor and/or to the principal of the school to which they are assigned. The supervisor and/or Principal will then notify the Superintendent's Office. Claims regarding sexual harassment may also be reported by the employee to the Superintendent.
- b. Students who believe that they have suffered sexual harassment shall report such matters to the Principal in the school to which they are assigned. Any student or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint with the Principal or may file a complaint with the Superintendent in the central administration office.
- c. Complaints reported to a teacher, supervisor or administrator shall be addressed in a timely and confidential manner. Information regarding an investigation of sexual harassment shall be confidential and those individuals involved in the investigation shall not discuss information regarding the complaint outside the investigation.
- d. It shall be the responsibility of the Superintendent to determine what further action should be taken on a complaint of sexual harassment by a Principal or district administrator. The Superintendent may assign a designated member of the central administration office to investigate the allegations of sexual harassment further. Said investigation will include a report to the Superintendent regarding the matter.
- e. It shall be the responsibility of all students and employees of Somerset Berkley Regional School District and any other persons having business with or contact with the school district to act appropriately under this policy. It shall be the responsibility of Somerset Berkley Regional School District to inform and educate school district personnel about sexual harassment.

- f. Any requirements stated and included in the current employment contracts between the Somerset Berkley Regional School Committee and district personnel shall be followed regarding all employment issues.

#### Notification

A copy of the district's sexual harassment policy and procedures shall:

- a. be included, by reference, in the Student/Parent Handbooks as published at each educational level of the district;
- b. be published in Somerset Berkley Regional School District policy book located in the school office of the district as well as in the policy book in the district central administration office and Town Libraries;
- c. be provided as part of any orientation program for new employees and students at the beginning of each school year; and
- d. appear in any school or district publication that sets forth the schools or districts comprehensive rules, regulations, procedures and standards of conduct.

#### Sanctions

- a. A substantiated charge against an employee of the district shall subject the employee to disciplinary action in accordance with any appropriate employee employment contract, up to and including discharge.
- b. A substantiated charge against a student shall subject that student-to-student disciplinary action including suspension or expulsion, consistent with the district's student disciplinary policy.

## **NONDISCRIMINATION ON THE BASIS OF HANDICAP**

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the district's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the district or be subject to discrimination. Nor shall the district exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

### Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the district.

### Reasonable Modification

The district shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

### Excommunications

The district shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, the district shall give primary consideration to the requests of the individuals with disabilities.

### Auxiliary Aids and Services

"Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

### Limits of Required Modification

The district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the district shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

### Notice

The district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

### Compliance Coordinator

The district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped persons should be in the mainstream of life in school community. Accordingly, employees of the school system will comply with the above requirements the law and policy statements of this Committee to ensure nondiscrimination on the basis of handicap.

LEGAL REFS.: Rehabilitation Act of 1973, Section 504 Education For All Handicapped Children Act of 1975 M.G.L. 7 1 B: I et seq. (Chapter 766 of the Acts of 1972)  
Title II, Americans with Disabilities Act of 1992  
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: IGB, Special Instructional Programs and Accommodations  
IGBA, Programs for Handicapped Students

## **PROGRAMS FOR STUDENTS WITH DISABILITIES**

In keeping with the intention of the state of Massachusetts to offer educational opportunities to all students which will enable them to lead fulfilling and productive lives, the District shall provide appropriate educational opportunities to all resident students in accordance with the requirements of state and federal statutes.

## **EQUAL EDUCATIONAL OPPORTUNITIES**

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, creed, sex, religion, nationality, and physical and intellectual differences.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs. The law reads as follows:

No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, religion, disability, national origin or sexual orientation.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Education in compliance with this law will be followed.

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  
Title IX, Education Amendments of 1972  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, amended 10/24/78  
Board of Education, Chapter 766 Regulations 10/74, amended through 3/28/78  
603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

## **STUDENT-TO-STUDENT HARASSMENT**

Harassment of students by other students will not be tolerated in the Somerset Berkley Regional School District. 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 activities.

Harassment prohibited by the district includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

Harassment means conduct of a 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;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;
- 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:

- Verbal, physical or written 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.
- Cyber bullying: sending or posting harmful text or images using the internet or other communication devices.

The district will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

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

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy.

REFS.:                    "*Words that Hurt*", American School Board Journal, September 1999 National Education Policy Network, NSBA

LEGAL REF.:            M.G.L. 151B:3A Title VII, Section 703, Civil Rights Act of 1964 as amended  
Board of Education 603 CMR 26:00

## STUDENT RIGHTS AND RESPONSIBILITIES

The School Committee has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with rights there are responsibilities that must be assumed by students.

Among these rights and responsibilities are the following:

1. Civil rights—including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy in respect to the student's school records.

It is the School Committee's belief that as part of the educational process students should be made aware of their legal rights and of the legal authority of the School Committee to make, and delegate authority to its staff to make, rules regarding the orderly operation of the school.

Students have the right to know the standards of behavior that are expected of them, and the consequences of misbehavior.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through the handbook distributed annually.

LEGAL REFS.: M.G.L. 71:37H; 71:82 through 71:86

## BULLYING

### I. LEADERSHIP

#### A. Public involvement in developing the Bullying Prevention Plan

As required by M.G.L. c. 71, § 37O, the Bullying Prevention and Intervention Plan, hereafter referred to as the “Plan,” will be developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians.

#### B. Assessing needs and resources.

The Plan will serve as the Somerset Berkley Regional School District blueprint for enhancing capacity to prevent and respond to issues of bullying within the context of other healthy school climate initiatives. As part of the planning process, school leaders, with input from families and staff, will assess the adequacy of current programs; review current policies and procedures; review available data on bullying and behavioral incidents; and assess available resources including curricula, training programs, and behavioral health services.

#### C. Planning and oversight.

The School principal, in consultation with the Superintendent’s Office and Safe and Drug Free Schools (SDFS) and Wellness Advisory Council, will be responsible for the following tasks under the Plan:

- 1) Receiving reports on bullying;
- 2) Collecting and analyzing building- and/or school-wide data on bullying to assess the present problem and to measure improved outcomes;
- 3) Creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors;
- 4) Planning for the ongoing professional development that is required by the law;
- 5) Planning supports that respond to the needs of targets and aggressors;
- 6) Choosing and implementing the curricula that the district will use;
- 7) Developing new or revising current policies and protocols under the Plan, including an Internet safety policy, and designating key staff to be in charge of implementation of them;
- 8) Amending student and staff handbooks and codes of conduct;
- 9) Leading the parent or family engagement efforts and drafting parent information materials; and
- 10) Reviewing and updating the Plan each year, or more frequently.

#### D. District Priority Statements

- The Somerset Berkley Regional School District expects that all members of the school community will treat each other in a civil manner and with respect for differences.
- The Somerset Berkley Regional School District is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.
- We understand that members of certain student groups, such as students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing.

The Somerset Berkley Regional School District will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

- We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target’s sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.
- The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying, and the Somerset Berkley Regional School District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principal is responsible for the implementation and oversight of the Plan.

## II. TRAINING AND PROFESSIONAL DEVELOPMENT

- A. Annual staff training on the Plan.** Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.
- B. Ongoing professional development.** The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of schoolwide and districtwide professional development will be informed by research and will include information on:
- Developmentally (or age-) appropriate strategies to prevent bullying;
  - Developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
  - Information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
  - Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
  - Information on the incidence and nature of cyberbullying; and
  - Internet safety issues as they relate to cyberbullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students’ Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

### III. ACCESS TO RESOURCES AND SERVICES

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- A. Identifying resources.** The Plan will include a process for identifying its capacity to provide counseling and other services for targets, aggressors, and their families. This will include a review of current staffing and programs that support the creation of positive school environments by focusing on early interventions and intensive services. Once this mapping of resources is complete, the district will develop recommendations and action steps to fill resource and service gaps.
- B. Counseling and other services.** The Plan will provide the availability of culturally and linguistically appropriate resources within the district. If resources need to be developed, the Plan will identify linkages with community based organizations, including Community Service Agencies (CSAs) for Medicaid eligible students. In addition, the Plan will identify staff and service providers who assist schools in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors. The school may consider current tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula.
- C. Students with disabilities.** As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- D. Referral to outside services.** The Somerset Berkley Regional School District will establish a referral protocol for referring students and families to outside services. Clear protocols will help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies. Current local referral protocols will be evaluated to assess their relevance to the Plan, and revised as needed.

### IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

- A. Specific bullying prevention approaches.** Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:
- Using scripts and role plays to develop skills;
  - Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
  - Helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
  - Emphasizing cybersafety, including safe and appropriate use of electronic communication technologies;
  - Enhancing students' skills for engaging in healthy relationships and respectful communications; and
  - Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan will include specific information about how and when the schools will review the Plan with students.

- B. General teaching approaches that support bullying prevention efforts.** The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

**V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION**

Use of an Incident Reporting Form is not required as a condition of making a report. The Somerset Berkley Regional School District will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the district website. The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

- A. Reporting bullying or retaliation.** Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address.

At the beginning of each school year, the district will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school and district policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

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The Somerset Berkley Regional School District expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee.

**B. Responding to a report of bullying or retaliation.**

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. (Include locally established student safety planning policies and procedures here)

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

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In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

- C. Investigation.** The principal or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

- D. Determinations.** The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notices to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

## **E. Responses to Bullying.**

### **Teaching Appropriate Behavior Through Skills-building**

Upon the principal or designee determining that bullying or retaliation has occurred, the school and district will use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- Providing relevant educational activities for individual students or groups of students, in consultation with guidance counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills; and
- Making a referral for evaluation.

### **Taking Disciplinary Action**

- If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and the code of conduct contained in the student/parent handbook at the high school (9-12) level.
- Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.
- If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

### **Promoting Safety for the Target and Others**

- The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.
- Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

## VI. COLLABORATION WITH FAMILIES

- A. **Parent education and resources.** The Somerset Berkley Regional School District will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district. These programs will be offered in collaboration with the PTO, School Councils, Special Education Parent Advisory Council and SDFS and Wellness Advisory Council.
- B. **Notification requirements.** Each year the Somerset Berkley Regional School District will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The district will send parents written notice each year about the student-related sections of the Plan and the district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The district will post the Plan and related information on its website.

## VII. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and 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 district; or through the use of technology or an electronic device owned, leased, or used by the school and district, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by the school district, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires district or school to staff any non-school related activities, functions, or programs.

## VIII. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the individual schools and district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

## **DEFINITIONS**

*Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below. The district may add specific language to these definitions to clarify them, but may not alter their meaning or scope. Plans may also include additional definitions that are aligned with local policies and procedures.*

Aggressor is a student who engages in bullying, cyberbullying, or retaliation.

Bullying, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.