

TO: School Committee

FROM: Emily Parks, Superintendent

DATE: Oct. 4, 2019

RE: Protocol for Reporting and Investigating Discrimination, Harassment, and Retaliation

Last year, the School Committee reviewed and revised policy *ACAB: Non-Discrimination Policy Including Harassment and Retaliation*. Stemming from that policy review, the district has worked with our school attorney to articulate a protocol for reporting and investigating discrimination, harassment, and retaliation. Having established the policy, this protocol (which guides implementation of the policy) does not require School Committee approval. However, I am providing it for your review and discussion as committee members expressed an interest last spring in seeing the protocol when it was complete.

**PROTOCOL FOR REPORTING AND
INVESTIGATING
DISCRIMINATION, HARASSMENT
AND RETALIATION**



October 2019

PROTOCOL FOR REPORTING AND INVESTIGATING DISCRIMINATION, HARASSMENT AND RETALIATION

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PROTOCOL FOR REPORTING AND INVESTIGATING DISCRIMINATION, HARASSMENT AND RETALIATION¹

1. General Statement of Non-Discrimination Policy, Including Harassment and Retaliation

The Westwood Public Schools and the Westwood School Committee will not tolerate any form of discrimination, including harassment and retaliation, within the school community. As such, it shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil rights of any member of the school community. Discrimination, including harassment and retaliation, in any form will not be tolerated. See attached Appendix A for the complete Westwood Public Schools Policy.

2. Goals

The Westwood School Committee and Westwood Public Schools are committed to maintaining an education and work environment for all school community members that is free from all forms of discrimination, including harassment and retaliation. Westwood Public Schools will investigate all reports or complaints promptly and in an impartial and as confidential a manner as possible, to ensure prompt and appropriate action. The District will investigate, and if needed provide the appropriate disciplinary and correction action to any member of the school community who is found to have engaged in any form of discrimination, including harassment and retaliation, against another member of the school community. Additionally, appropriate remedial action will be taken as necessary.

3. Definitions

A **Complaint** is an oral or written, formal or informal, notification of an incident of discrimination, including harassment and discrimination, made by a complainant of alleged conduct that violates the Non-Discrimination Policy, Including Harassment and Retaliation (hereafter the “Non-Discrimination Policy”). For a student, their parent(s) or guardian(s) may also file a Complaint on behalf of their child.

Complainant is an individual who is the alleged victim of conduct covered by the Non-Discrimination Policy, or their parent(s) or guardian(s).

Discrimination includes, but is not limited to excluding from participation, denying the benefits of, or otherwise discriminating against individuals on the basis of a Protected Class, or any other category

¹ For questions or guidance regarding this Protocol or the Non-Discrimination Policy, please contact the Assistant Superintendent of Schools, 220 Nahatan Street, Westwood, MA 02090 (781) 326-7500 x1347

protected by state or federal law, in the administration of its educational and employment policies, or in its programs and activities, or in failing to provide equal access to designated youth groups.

Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that relates to an individual's actual or perceived Protected Class, that has the purpose or effect of creating a hostile education or work environment, or, if the conduct were to persist, would likely create a hostile education or work environment. A victim may include a person reasonably affected by conduct directed toward another individual.

Examples of Harassment

Disability Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that denigrates, demeans, or stereotypes a person and/or group based on disability or perceived disability, such as damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs, or invading personal space to intimidate.

Gender Identity Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that denigrates, demeans or stereotypes a person and/or group based on actual or perceived gender identity, such as derogatory remarks, slurs, taunting, or invading personal space to intimidate.

National Origin, Ethnic Background and Ancestry Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic or electronic conduct that denigrates, demeans or stereotypes a person and/or group based on actual or perceived national origin, ethnic background, or ancestry, such as slurs, insults, or negative comments or graffiti about country of origin, surnames, customs, language, accents, immigration status, or manner of speaking.

Race or Color Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that denigrates, demeans or stereotypes a person and/or group based on actual or perceived race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

Religious Harassment includes, but is not limited to, unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that demeans, denigrates or stereotypes a person and/or group based on actual or perceived religion, such as slurs or derogatory comments, graffiti or symbols about a religion, religious beliefs, traditions, practices (including non-belief), or religious clothing.

Sexual Harassment

Hostile environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by a member of the school community is sufficiently severe, persistent, or pervasive so as to interfere with or limit the victim's ability to participate in or benefit from the district's programs or activities, or to interfere with or limit an individual's education or employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. A victim may include a person reasonably affected by conduct directed toward another individual.

Quid pro quo sexual harassment means any sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when;

1. Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of or a basis for decisions affecting a student's education or participation or placement in a District's programs or activities; or
2. Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions.

Sexual Orientation Harassment includes but is not limited to unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that denigrates, demeans or stereotypes a person and/or group based on actual or perceived sexual orientation, such as anti-gay slurs or insults, derogatory remarks, graffiti or symbols, taunting, or invading personal space to intimidate.

Hate Crimes are crimes motivated, at least in part, by hate or bias, or where the victim is targeted, selected, or chosen for the crime, at least in part, because of a person's actual or perceived race, color, religion, gender, sexual orientation, gender identity, national origin, ancestry, or ethnic background, or because the targeted person has a disability. A hate crime may involve, but is not limited to, an act of bodily injury, attempt to cause bodily injury, threat of bodily harm, physical or mental intimidation, or damage to another's property.

Indicators that a crime may constitute a hate crime include, but are not limited to instances of:

- Use of racial, ethnic, religious, or anti-gay slurs;
- Use of symbols of hate, such as a swastika or burning cross;
- Similar behavior identified above towards others who are members of the same Protected Class;
- Similar behavior identified above when the perpetrator's protected class is different than the victim's;
- Similar behavior identified above which occurs while the victim was promoting a racial, religious, ethnic or nation and origin, disability, gender, gender identity, or sexual orientation

group, such as attending an advocacy group meeting, participating in a students' gay-straight alliance, or a disability rights demonstration.

Hostile Environment is where physical, verbal, written, graphic or electronic conduct is sufficiently severe, persistent or pervasive so that it interferes with or limits the ability of a student to participate in or benefit from the district's programs or activities, or the ability of an individual to work in the Westwood Public Schools.

Other Prohibited Conduct means any unwelcome or inappropriate physical, verbal, written, graphic, or electronic conduct relating to a person's actual or perceived Protected Class that does not involve severe, persistent or pervasive conduct that creates a hostile environment, but will likely create a hostile educational or work environment if the conduct persists.

Perpetrator is a member of the school community or any third party who engages in, aids with, encourages, or creates an environment of discrimination, including harassment and retaliation,

Protected Classes include classes, groups, members, or an individual of a race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military or veteran status, marital status, familial status, homelessness, ancestry, ethnic background or national origin, whether actual or perceived, as protected by the Non-Discrimination Policy, or state or federal law,

A **Report** is an oral or written, formal or informal notification of an incident of discrimination, including harassment and retaliation, made by a third party, and not the victim of the alleged conduct (except for the parent/guardian filing on behalf of their child), that violates the Non-Discrimination Policy.

Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment against any member of the school community in response to that member's oral or written, formal or informal, reporting or filing a complaint of discrimination, including harassment or retaliation, cooperating in an investigation, aiding or encouraging another member of the school community to report or file a complaint, or for opposing any act or practice reasonably believed to be prohibited by the Non-Discrimination Policy.

The **School Community** includes the Westwood School Committee, administration, faculty, staff, students, and volunteers in a school(s), and parties contracted to perform work for the Westwood Public Schools, subject to school authority,

Target or Victim is a member of the school community against whom discrimination, including harassment and retaliation, has been perpetrated.

4. Protocol Application

The Protocol for Reporting and Investigating Discrimination, Harassment and Retaliation (“the Protocol”) applies to all sites and activities the Westwood Public Schools supervises, controls, or where it has jurisdiction under the law, including on school grounds; on property immediately adjacent to school grounds, at school-sponsored or school-related activities; at functions or programs whether on or off school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by the school district; or through the use of technology or an electronic device owned, leased or used by the Westwood Public Schools. This Protocol also applies to conduct 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 Westwood Public Schools if the act or acts in question create a hostile environment at a school; infringe on the rights of others at a school; and/or materially and substantially disrupts the education process or the orderly operation of a school or school-sponsored activity or event. The Protocol will also apply to acts by third parties perpetrated at the above-referenced locations and/or during the above-referenced activities.

5. Responsibilities

a. Each Member of the School Community is responsible for:

i. Complying with the Non-Discrimination Policy and the Protocol.

ii. Ensuring that they do not discriminate against, harass, or commit a crime against another person on school grounds or in a school-related activity because of that person's race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background or national origin.

iii. Ensuring that they do not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation of discrimination, including harassment and retaliation, or a hate crime, or for opposing any act or practice reasonably believed to be prohibited by the Non-Discrimination Policy.

iv. Fully cooperating in the investigation of reports or complaints of discrimination, including harassment and retaliation, or a hate crime.

b. Each non-student Member of the School Community is also responsible for:

i. Responding appropriately, which may include intervening if able to take action safely, when witnessing discrimination, including harassment and retaliation, or a hate crime, on school grounds or at a school-related activity.

ii. Cooperating with the Westwood Public Schools' efforts to prevent, respond effectively to, and eliminate discrimination, including harassment and retaliation, and hate crimes.

iii. Promptly reporting all information they know concerning possible discrimination, including harassment and retaliation, or a hate crime, to a Designated Official when they witness or become aware of conduct occurring on school grounds or at a school-related activity, or any other circumstance stated supra in "Protocol Application".

6. **Complaint and Reporting Processes**

a. Timeliness

In order to ensure integrity, promote fairness, and facilitate an effective investigation, all complaints or reports, oral or written, formal or informal, must be made as promptly as possible, but not later than 180 calendar days of the alleged incident. Such time limit, however, may be waived for good cause, as documented in the investigative file.

b Mandatory Reporting Guidelines

All non-student members of the school community are *required* to report to the appropriate Designated Official any incident of discrimination, including harassment and retaliation, *against any student* that they witness, that they are notified of through a student's report or complaint, or that they otherwise become aware of, as soon as practicable, but no later than 24 hours of becoming aware of the incident. All reports should include a completed "Discrimination Complaint/Report Form" and should be signed by the reporting party. No mandatory report may be filed anonymously. Failure to comply with the mandatory reporting requirement of this Protocol may lead to disciplinary action.

c. Investigation Guidelines

The "Designated Official" will be in charge of overseeing an investigation. They will gather and preserve all evidence feasible and will contact the appropriate law enforcement authorities, if the allegations involve a potential crime, consistent with the "Memorandum of Understanding" ("MOU") with the Westwood Police Department. *See attached Appendix B for the complete MOU.* Investigative activities may consist of, as appropriate, interviewing the parties and others who have witnessed or may have knowledge about the alleged incident(s) or the circumstances giving rise to the complaint or report, review of video recordings, voice mails, e-mails, instant messages, student records, and other items and documents relevant to the allegations. In every investigation both parties (the alleged victim and the alleged perpetrator) will have the right and option to present witnesses and evidence to support their respective positions. Privacy and confidentiality should be maintained to the extent that is practicable under the circumstances. The Designated Official should make reasonable efforts to regularly inform the

complainant, the alleged perpetrator, and, if applicable, their parent(s) or guardian(s), of the status of the complaint.²

d. Who is the Designated Official?

i. Issues involving **Two or More Students**

In cases involving any incident between two or more students, the Principal of the school or their designee will be the Designated Official for receiving complaints and reports, implementing the appropriate resolution and investigative procedures, determining appropriate disciplinary, corrective and remedial action, and documenting the implementation of this Protocol. The Designated Official will give notice of the complaint or report, and where requested, copies of all records and information throughout the resolution and investigative process to the Director of Student Services.

ii. Issues involving **Two or More Non-Students**

In cases involving any incident between two or more non-student members of the school community, the Principal of the school or their designee will be the Designated Official for receiving complaints and reports, implementing the appropriate resolution and investigative procedures, determining appropriate disciplinary and corrective action, and recording file entries throughout implementation of this Protocol. If a complaint or report involves an allegation against a staff member, the Principal/Designee will inform the Assistant Superintendent and the staff member of the allegation and investigation, and will also consult with the Assistant Superintendent prior to interviewing the staff member. In cases involving an allegation against the Principal or their Designee, the Designated Official will be the Assistant Superintendent. The Designated Official will give notice of the complaint or report, and where requested, copies of all records and information throughout the investigative and resolution process to the Assistant Superintendent.

iii. Issues involving a **Student AND a Non-Student**

In cases involving any incident between a student and a non-student, the Director of Student Services and the Assistant Superintendent will both be Designated Officials for receiving complaints and reports, implementing the appropriate resolution and investigative procedures, determining appropriate disciplinary, corrective and remedial action, and documenting implementation of this Protocol. The Designated Official will give notice of the complaint or report, and where requested, copies of all records and information throughout the investigative and resolution process to the Superintendent.

² If an investigation concerns a potential civil rights violation involving physical injury or potential First Amendment issues, please contact the Assistant Superintendent of Schools.

iv. Issues involving **Central Office Administrators**

In cases where either the Assistant Superintendent, Director of Business and Finance, Director of Student Services and/or the Director of Technology, Innovation and Learning is involved in the report or complaint, the Superintendent, or their designee, will be the Designated Official. In cases where the Superintendent is involved in the report or complaint, the Westwood School Committee, or its designee, will be the Designated Official.

v. Issues involving **School Committee**

In cases where a School Committee member is involved in any incident, the School Committee Chair or their designated legal counsel, will be the Designated Official. In cases where the Chair of the School Committee is involved in the report or complaint, an independent legal counsel will be the Designated Official.

e. Receipt of Student Complaints/Reports

Students are strongly encouraged to file a complaint or report, written or oral, formal or informal, of any incident of discrimination, including harassment and retaliation, that they are subjected to, witness, or otherwise become aware of, and may do so to any school faculty, staff member, or administrator. Students are encouraged to file a written "Discrimination Complaint/Report Form," but its use is not mandatory. Where requested or needed, students, or their parent(s)/guardian(s), will be provided assistance in preparing a Complaint/Report Form. Although not preferred, students may file an anonymous complaint or report (*the school community should be informed that anonymous filings will likely undermine the ability to investigate or address such alleged incident*).

f. Receipt of Complaints/Reports of Non-Student School Community Members

All non-student members of the school community are encouraged to file a complaint or report, oral or written, formal or informal, of any act of discrimination, including harassment and retaliation, which they are subjected to, witness against or otherwise become aware of concerning another non-student member of the school community. Complaints or reports should be given directly to an appropriate Designated Official, a supervisor, or the Assistant Superintendent. The anonymous complaint process available to students is also available to all other members of the school community (*the school community should be informed that anonymous filings will likely undermine the ability to investigate or address such alleged incident*).

7. Investigation and Resolution Procedures

Step One

The Designated Official will notify the complainant and alleged perpetrator of a time and date at which each will have a separate interview to discuss the incident. The interviews shall take place as soon as practicable. Except for good cause, as documented in the investigative file, interviews of the parties must be completed within five (5) school days from the initiation of the Resolution Procedures.

Notification of Parents/Guardians: Within five (5) school days of receiving a complaint or report under this Policy, the Designated Official shall notify the parents/guardians of a student complainant or victim and the parents/guardians of a student who has been alleged as a perpetrator. Such notification may be made by telephone, writing or in person. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the investigative report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

During the Designated Official's interview with the complainant, the Designated Official should notify a student complainant and their parents/guardians that the school will, to the extent practicable, keep the complainant's identity confidential throughout the investigation, unless there is a need to know to investigate and/or resolve the complaint, or needed to provide corrective or remedial measures for the complainant. In addition, the Designated Official should explain to the complainant and, if applicable, the complainant's parent(s) guardian(s), that the school may release, at the very least, the complainant's name to the alleged perpetrator, to ensure a fair investigation.

After the interviews of the parties, the Designated Official may suggest a resolution to the parties, if they deem a speedy resolution appropriate (but may not use this process when it involves allegations of severe, persistent or pervasive forms of harassment or retaliation.) If the resolution is agreed to, the Designated Official should proceed to Step Four. However, if the resolution is not agreed to, the Designated Official should continue to Step Two.

Step Two

The Designated Official will conduct an investigation following the Investigation Guidelines outlined in this Protocol. The investigation should be completed within ten (10) school days of the interviews discussed in Step One, except for *good cause, as documented in the investigative file*. If the Designated Official determines it necessary at any time during the investigation, they may take protective or disciplinary measures to ensure the complainant's safety or the safety of the school community. The Designated Official will also make appropriate referrals for complainant assistance, including counseling and crisis intervention, if requested, or as needed.

Extension: If the Designated Official deems it necessary, due to the severity of the allegations or the need for discovery of further information, an investigation may be extended beyond the ten (10) school day limit. However, as soon as it is determined that more time is necessary, the Designated Official must notify the complainant, alleged perpetrator, any parent/guardian, if applicable, and the Director of Student Services, if the victim is a student, or the Assistant Superintendent, if the complainant is a non-student member of the school community.

Step Three

Upon completion of the investigation, the Designated Official will prepare a written report summarizing the key factual findings and stating whether, *by a preponderance of the evidence*, the allegations were proven in the course of the investigation, and whether the Non-Discrimination Policy has been violated.

- Preponderance of the evidence means the greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. Black's Law Dictionary 1301 (9th ed., 2009).

This written report shall be completed no later than 30 calendar days (unless there is a reasonable cause for delay) after the completion of the investigation. If the allegations are proven and are considered violations of the Non-Discrimination Policy, the Designated Official will determine the appropriate disciplinary and corrective action for the perpetrator and the appropriate corrective action (i.e., protective measures) and remedial measure for the victim and/or school community. The Designated Official will keep a copy of their report documenting all action taken, and also send a copy to the Director of Student Services, if the victim is a student, or the Assistant Superintendent, if the victim is a non-student member of the school community.

Basis For Determining Whether Policy Violated: In making a determination of whether, by a *preponderance of the evidence*, a violation of the Non-Discrimination Policy has occurred, the Designated Official(s) shall consider all the facts and surrounding circumstances, including, for example, the context, nature, frequency and severity of the behavior, how long the wrongful conduct continued, where the incident(s) occurred, the number of persons involved in the wrongful conduct, the ages of and relationships between the parties, consideration of special needs or status of the individual, past incidents or patterns of behavior, and the extent to which the conduct adversely affected the education, school or work environment of the complainant and other school community members.

Taking Appropriate Action For Students: Such action shall include imposing discipline and/or corrective and remedial action reasonably calculated to end the conduct, deter future conduct, and remedy the effects of the discrimination, including harassment or retaliation, or other prohibited conduct, on the student victim(s) and the school community, as applicable.

Step Four

The Designated Official will close the file, and within three (3) school days of making the determination, notify all parties, and if a student, their parent(s)/guardian(s), of the results of the investigation and any action taken that pertains to them, and provide the parties with a list of further steps available for the parties to take, including, but not limited to, the appeal process and other legal recourse. The Designated Official will attempt notification of a student's parents/guardians via telephone, with a notification letter sent to the parties, and if a student, their parents(s)/guardian(s). The Designated Official will follow-up with the victim and perpetrator no less than weekly for ninety (90) school days from closing the file in order to ensure retaliation does not occur and that the issue has been resolved. In addition, the Designated Official will prepare a brief written report after each follow-up.

8. Non-Cooperation of Student Victims

After receipt of a complaint or report, the Designated Official will attempt to identify and obtain the cooperation of any student who is an alleged victim of discrimination, including harassment or retaliation. Even where the Designated Official does not obtain the identity of or cooperation by the alleged student victim, the Designated Official shall investigate the allegations pursuant to this Protocol, to the extent feasible.

9. Disciplinary Action, Corrective Action, and Remedial Measures

a. Available Disciplinary Actions

Upon a finding of discrimination, including harassment and retaliation, the Designated Official will determine and apply such disciplinary action as deemed appropriate, to stop the behavior and prevent its reoccurrence. Disciplinary action will not be disclosed to the victim, unless it specifically pertains to the victim (For example: a "stay away" order). Disciplinary actions may include, but are not limited to:

i. Disciplinary Action for **Students**

Possible disciplinary action could include a written warning, in-school suspension, short or long-term suspension, involuntary transfer, revocation of bus privileges, and/or any other action authorized by and consistent with the Protocol. Students facing discipline will be afforded due process as required by law. Suspensions will follow the procedures under G.L. Chapters 71, Section 37H, Section 37H 1/2 and Section 37H 3/4, and Chapter 76,

Section 21, and applicable state regulations. For harassment and other civil rights violations, the District will apply processes and carry out disciplinary hearings that provide the victim any rights it provides the alleged perpetrator, as required by federal civil rights laws.³ Discipline for students with disabilities will comply with federal and state law requirements that apply to disciplining students with disabilities, including the federal "Individuals with Disabilities Education Act" and Section 504 of the Rehabilitation Act of 1973.

ii. Disciplinary Action concerning **School Committee, employees, administration, faculty, and staff**

Possible disciplinary action could include, but is not limited to, counseling, awareness training, a written warning, a last chance agreement, involuntary transfer, suspension, and/or termination.

iii. Disciplinary Action for **Parties contracted to perform work for the Westwood Public Schools**

Possible disciplinary action could include notification to the employer, request for warning, suspension, or termination, limitation of access to Westwood Public Schools property, and/or termination of the contract.

iv. Disciplinary Action Concerning **Volunteers or Third Parties**

Possible disciplinary action could include written warning, restriction of activities, termination or suspension from position, limitation of access to Westwood Public Schools property, and/or denial of attendance to Westwood Public Schools' activities or functions, as appropriate.

b. Corrective Action and Remedial Measures for Students

The Designated Official will determine if corrective action and remedial measures are necessary to end the conduct, deter future conduct, and remedy the effects of the discrimination, including harassment or retaliation, on the victim and/or the school community as a whole. This decision is appealable per the appeal processes listed in this Protocol. All corrective action and/or remedial measures must be documented in the investigative file and must not interfere with or violate any other school or District Policies and Practices.

- Corrective Action concerning a student victim may include, but is not limited to, adopting a written safety plan to implement protective measures.

³ With regard to victim's rights and participation, please contact the Superintendent's Office at 781 326-7500 x1341

- Corrective action for the perpetrator may include, but is not limited to, classroom transfer; exclusions from participation in school sponsored functions, after-school programs, and/or extracurricular activities; limiting or denying access to a part or area of a school; increased adult supervision on school premises; complying with a non-contact or Harassment Prevention Order, parent/guardian conferences; a voluntary apology to the victim; an essay discussing their behavior and its consequences, counseling for the perpetrator; awareness training (to help the student perpetrator understand the impact of the behavior); and/or any other action consistent with the student code of conduct.
- Remedial action may include providing or referring the student victim for counseling or victim assistance services, and providing tutoring or other educational supports or accommodations. Remedial action may also include modifying school-wide policies or practices and sponsoring anti-harassment, anti-discrimination, or related training for school staff or students. It may also include informing the broader school community of issues that affect it as a whole.

9. **Availability of an Appeal**

a. Appeal from Designated Official's Decision

Any party may appeal the determination of a Designated Official to the Superintendent, or their designee. The Superintendent, or their designees, will have ten (10) school days to determine whether or not to reopen the file. If the file is reopened, the Superintendent, or their designee, will become the Designated Official and perform further investigation pursuant to the Resolution Procedures, as they deem necessary and appropriate. If the file is not reopened, the Superintendent, or their designee, will provide notice to the appealing party and will include the notice in the file. The Superintendent or their designee decision is not appealable at the school district level, but may be appealed pursuant to state and federal laws.

b. Options available at any time

At any time, whether or not an individual files a complaint or report under this Protocol, an individual may file a complaint with the Office for Civil Rights, U.S. Department of Education, or with other governmental agencies, or may initiate a civil action. If a complaint is filed with the Office for Civil Rights, U.S. Department of Education, it must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180 day time limit based on OCR policies and procedures.

- i. Office for Civil Rights, U.S. Department of Education ("OCR")
5 Post Office Square, Suite 900, 8th floor, Boston, MA 02109
Website: www.ed.gov/ocr; Email: OCR.Boston@ed.gov
Tel: (617) 289-0111; Fax: (617) 289-0150; TTY/TDD: (877) 521-2172

- ii. Equal Employment Opportunity Commission (“EEOC”)
John F. Kennedy Federal Building 475 Government Center, Boston, MA 02203
Tel: (800) 669-4000; Fax: (617) 565-3196; TTY: 1-(800) 669-6820
- iii. Massachusetts Commission Against Discrimination (“MCAD”)
One Ashburton Place, Boston, MA 02108
Tel: (617) 994-6000; Fax: (617) 994-6024
- iv. Massachusetts Department of Elementary and Secondary Education
Program Quality Assurance Services
75 Pleasant Street, Malden, MA 02148
Email: compliance@doe.mass.edu; Tel: (781) 338-3700; Fax: (781) 338-3710;
N.E.T. Relay: 1-(800) 439-2370

Notwithstanding any other remedy, any person may contact the police or pursue a criminal complaint or prosecution under state or federal criminal law.

10. File Keeping

All files, forms, written findings, evidence, determinations, or any other material gathered related to a complaint, report, or investigation of a student related issue must be kept in a file in the individual school's administrative offices, with key complaint/report data entered by the investigator into the district and school's confidential data base for tracking and analysis. In addition, copies of all investigative reports will be sent to and must be maintained in the offices of the Superintendent, Assistant Superintendent, and Director of Student Services. All files should be kept confidential.

All files, forms, written findings, evidence, determinations, or any other material gathered related to a complaint, report, or investigation of a Non-Student related issue must be kept in a file in the Central administrative offices, with key complaint/report data entered by the investigator into the district confidential data base for tracking and analysis. In addition, copies of all investigative reports will be sent to and must be maintained in the offices of the Superintendent, and Assistant Superintendent. All files should be kept confidential.

11. Additional Provisions

Law Enforcement Involvement

Police involvement in situations that involve students of the Westwood Public Schools is governed by the “Memorandum of Understanding, between Westwood Public Schools and Westwood Police Department” (“MOU”). *See attached Appendix B for the complete MOU.* This MOU is meant to promote a safe and nurturing environment in the school community. This

joint effort will focus on incidents that take place on school property, at school-related activities, and at other locations in which students of the Westwood Public Schools are involved or affected.

12. Forms

See attached.

**Westwood Public Schools
Discrimination Complaint/Report Form**

Name of Person filling out this complaint/report (can be anonymous): _____

Your contact information/telephone number: _____

Names(s) of Complainant/Reporter	School _____	Age _____	Grade/Position _____
If reporter, name of 'victim'	School _____	Age _____	Grade/Position _____

Names(s) of Alleged Perpetrator(s)	School _____	Age _____	Grade/Position _____
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Names(s) of Witness(es) and contact information: _____

Date of Incident: _____ Time of Incident: _____ Location of Incident: _____

Is this incident (Please circle all that apply.): discrimination, harassment, *or* retaliation?

Please describe the details of the incident, being as specific as possible. Please attach additional pages, if necessary.

Given any background information that may help explain how or why the incident occurred.

Signature of Person Filling this Complaint/Report: _____ Date: _____

Designated Official Receiving Report: _____ Date: _____

**Westwood Public Schools
Investigation Findings Form**

Names(s) of Complainant(s) and/or Protected Class(es) _____

School _____ Age _____ Position _____

Names(s) of Perpetrator(s) _____

School _____ Age _____ Position _____

Date of Incident: _____ Time of Incident: _____ Location of Incident: _____

Is this incident (Please circle all that apply.): discrimination, harassment, *or* retaliation?

Were the allegations proven? Yes No Will disciplinary action be taken? Yes No

Will corrective action be taken? Yes No Will remedial action be taken? Yes No

Please describe the findings of the investigation in as much detail as possible, including all action to be taken. Please attach additional pages, if necessary.

Signature of Person Designated Official: _____ Date: _____

Printed Name of Designated Official: _____ Position: _____

OFFICE USE ONLY

Administrator Receiving Report: _____ Date: _____

Appendix A – Westwood Public Schools Policy

File: ACAB - NON-DISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

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

This policy does not limit any other policies or authority of the Westwood School Committee or the Westwood Public Schools. This includes not limiting the authority of Westwood Public Schools under its Student Handbook or any other authority to discipline or take corrective action for educational and workplace conduct which the Westwood Public Schools deems unacceptable. This policy also does not limit the authority of the Westwood Public Schools to take immediate interim disciplinary action as set forth in any applicable guidance, practice or policy.

Westwood Public Schools does not exclude from participation, deny the benefits of, or otherwise discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, pregnancy or pregnancy-related conditions, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities, and provides equal access to the Boy Scouts and other designated youth groups. Westwood Public Schools requires all members of the school community to conduct themselves in an appropriate and respectful manner, consistent with this policy, with respect to all other members of the school community.

As Westwood Public Schools is committed to providing an environment that is free from all forms of discrimination, including harassment and retaliation, it shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil rights of any member of the school community. Discrimination, including harassment and retaliation, in any form will not be tolerated.

Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct, that relates to an individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, pregnancy or pregnancy-related conditions, or any other category protected by state or federal law, and that has the purpose or effect of creating a hostile education or work environment by limiting the ability of an individual to participate in or benefit from the district's programs and activities or by unreasonably interfering with that individual's education or work environment or, if the conduct were to persist, would likely create a hostile education or work environment. Westwood Public Schools will take the appropriate action against any member of the school community who is found in violation of this policy.

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

Any member of the school community who believes s(he) or another school community member has been the victim of any form of discrimination, including harassment and retaliation, should report the conduct or file a complaint. Students may make a report or complaint to any school faculty, staff, or administrator. Reports or complaints by any other member of the school community should be to the designated official specified in the applicable policy or grievance procedure or to the Assistant Superintendent of Schools. Westwood Public Schools will promptly respond to and investigate all reports or complaints, formal or informal, written, oral, or otherwise given notice, of any discrimination, including harassment and retaliation, or other violation of civil rights.

Westwood Public Schools will investigate all reports or complaints promptly and in an impartial and as confidential a manner as possible, to ensure prompt and appropriate action. Any member of the school community who is found, after investigation, to have engaged in any form of discrimination, including harassment and retaliation, against another member of the school community will be subject to appropriate disciplinary and corrective action. Additionally, appropriate remedial action will be taken as necessary.

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

Assistant Superintendent of Schools
220 Nahatan Street
Westwood, MA 02090
(781) 326-7500

The Director of Student Services is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Westwood Public Schools. In addition, the Director of Student Services is the District 504 Coordinator, and can be reached at:

Director of Student Services
220 Nahatan Street
Westwood, MA 02090
(781) 326-7500

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

First reading: April 9, 2019

Second reading: May 16, 2019

Third reading: waived

Approved

Appendix B - Memorandum of Understanding

Memorandum of Understanding Between Westwood Public Schools and Westwood Police Department

This agreement (the "Agreement") is made by and between the Westwood Public Schools (the "District") and the Westwood Police Department (the "Police Department") (collectively, the "Parties"). The Chief of Police of the Police Department (the "Chief") and the Superintendent of the District ("the Superintendent") are each a signatory to this Agreement. The provisions of this Agreement in **bold typeface** are specifically required by law under G.L. c. 71, § 37P.

I. Purpose

The purpose of this Agreement is to formalize and clarify the partnership between the District and the Police Department to implement a School Resource Officer ("SRO") program (the "Program") in the Westwood Public Schools (the "School") in order to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing; and inform the Parties' collaborative relationship to best serve the school community.

This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any civil or criminal matter.

II. Mission Statement, Goals, and Objectives

The mission of the Program is to support and foster the safe and healthy development of all students in the District [or at the School] through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.

The Parties are guided by the following goals and objectives (the "Goals and Objectives"):

- To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, and socioeconomic status;
- To promote a strong partnership and lines of communication between school and police personnel and clearly delineate their roles and responsibilities;
- To establish a framework for principled conversation and decision-making by school and police personnel regarding student misbehavior and students in need of services;
- To ensure that school personnel and SROs have clearly defined roles in responding to student misbehavior and that school administrators are responsible for code of conduct and routine disciplinary violations;

- To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
- To encourage relationship-building by the SRO such that students and community members see the SRO as a facilitator of needed supports as well as a source of protection;

III. Structure and Governance

The Parties acknowledge the importance of clear structures and governance for the Program. The Parties agree that communicating these structures to the school community, including teachers and other school staff, students, and families, is important to the success of the Program.

A. Process for Selecting SRO

The Parties acknowledge that the selection of the SRO is a critical aspect of the Program and that it is important for the Parties and the school community to have a positive perception of and relationship with the SRO.

In accordance with state law, the Chief shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who have received specialized training in child and adolescent cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies. The Chief shall work collaboratively with the Superintendent in identifying officers who meet these criteria and in selecting the officer who is ultimately assigned as the SRO.

In accordance with state law, the Chief shall not assign an SRO based solely on seniority.

The Chief shall take into account actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as an SRO. As part of the application process, officers who are candidates for an SRO position shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any SRO who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify his or her appointing authority at the earliest opportunity. The Police Department shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the SRO and the District accordingly. Nothing in this paragraph is intended to limit the ability of the SRO to respond to emergency situations in District schools.

B. Supervision of SRO and Chain of Command

The SRO shall be a member of the Police Department and report directly to the Chief of Police or his/her designee.

C. Level and Type of Commitment from Police Department and School District

The salary and benefits of the SRO shall be covered by the Westwood Police Department.

D. Integrating the SRO

The Parties acknowledge that proper integration of the SRO can help build trust, relationships, and strong communication among the SRO, students, and school personnel.

The District shall be responsible for ensuring that the SRO is formally introduced to the school community, including students, parents, and staff.

The SRO shall regularly be invited to and attend staff meetings, assemblies, and other school convenings. The SRO shall also be invited to participate in educational and instructional activities, such as instruction on topics relevant to criminal justice and public safety issues. The SRO shall not be utilized for support staffing, such as hall monitor, substitute teacher, or cafeteria duty.

The Parties acknowledge that the SRO may benefit from knowledge of accommodations or approaches that are required for students with mental health, behavioral, or emotional concerns who have an individualized education program ("IEP") under the Individuals with Disabilities Education Act or a plan under Section 504 of the Rehabilitation Act ("504 Plan"). School personnel shall notify parents or guardians of such students of the opportunity to offer the SRO access to the portions of the IEP document or 504 Plan that address these accommodations or approaches. It is within the sole discretion of the parents or guardians to decide whether to permit the SRO to review such documents. If a parent or guardian provides such permission, the SRO shall make reasonable efforts to review the documents. Whenever possible, the school shall make available a staff member who can assist the SRO in understanding such documents.

The SRO shall participate in any District and school-based emergency management planning. The SRO shall also participate in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g) (see further information in Section V).

E. Complaint Resolution Process

The Parties shall develop and implement a simple and objective complaint resolution system for all members of the school community to register concerns that may arise with respect to the SRO or the Program.

F. Annual Review of the SRO and the SRO Program

In accordance with state law, the Chief and the Superintendent shall annually review the performance of the SRO and the success and effectiveness of the Program in meeting the Goals and Objectives.

IV. Roles and Responsibilities of the SRO and School Administrators and Staff in Student Misbehavior

The Parties agree that school officials and the SRO play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The SRO shall read and understand the student code of conduct for both the District and the school.

The principal (or his or her designee) and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or his or her designee shall determine the appropriate disciplinary response. The principal or his or her designee should prioritize school- or community-based accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever possible.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to deescalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable fear for their safety or the safety of students or other personnel.

When the SRO or other Police Department employees have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall only assist in a criminal investigation as witnesses or to otherwise share information consistent with Section V, except in cases of emergency. Nothing in this paragraph shall preclude the principal or his or her designee from undertaking parallel disciplinary or administrative measures that do not interfere with a criminal investigation.

A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant requires such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview.

In accordance with state law, the SRO shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

V. Information Sharing Between SROs, School Administrators and Staff, and Other Stakeholders

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

A. Points of Contact for Sharing Student Information

In order to facilitate prompt and clear communications, the Parties acknowledge that the principal (or his or her designee) and the SRO are the primary points of contact for sharing student information in accordance with this Agreement. The Parties also acknowledge that, in some instances, other school officials or Police Department employees may serve as key points of contact for sharing information, as deemed appropriate by the Superintendent and/or Chief of Police.

Such Police Department employees are considered a part of the District's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g).

B. Compliance with FERPA and Other Confidentiality Requirements

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records (“Student PII”), without consent, only under specific circumstances.

When the District “has outsourced institutional services or functions” to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA, the SRO qualifies as a “school official” who can access, without consent, Student PII contained in education records about which the SRO has a “legitimate educational interest.”

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee identified in Section V.A.) may gain access, without consent, to Student PII contained in education records “in connection with an emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals.”

These are the *only* circumstances in which an SRO may gain access, without consent, to education records containing student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

FERPA does not apply to communications or conversations about what school staff have observed or to information derived from sources other than education records.

In addition to FERPA, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and state student record regulations at 603 C.M.R. 23.00. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to share such information beyond the sharing contemplated in this Agreement unless required to be shared by state or federal law. The Parties shall not collect or share information on a student’s immigration status except as required by law.

C. Information Sharing by School Personnel

1. For Law Enforcement Purposes

Where the principal or his or her designee learns of misconduct by a student for which a law enforcement response may be appropriate (as described in Section IV), he or she should inform the SRO. If a teacher has information related to such misconduct, he or she may communicate this information directly to the SRO but should also communicate such information to the principal or his or her designee. The Parties agree that the sharing of such information shall not and should not necessarily require a law enforcement response on the part of the SRO but shall and should instead prompt a careful consideration of whether the misconduct is best addressed by law

enforcement action, by a school disciplinary response, or by some combination of the two.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member's professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders," such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents consent to the disclosure of student information for law enforcement purposes (e.g., as part of a diversion program agreement) and that the sharing of information under such circumstances does not violate this Agreement.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation should immediately notify or cause to be notified both the Police Department (or the SRO if appropriate to facilitate a response) and the principal or his or her designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or his or her designee from reporting possible criminal conduct by a person who is not a student.

2. For Non-Law Enforcement Purposes

Based on their integration as part of the school community, SROs may periodically require access to student information for purposes that fall outside of the SRO's law enforcement role outlined in Section IV.

Student PII received by the SRO (or other Police Department employee identified in Section V.A.) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, whenever possible, the principal or his or her designee shall notify the parent, the student, or both, when such information will be shared with the SRO.

D. Information Sharing by the SRO

Subject to applicable statutes and regulations governing confidentiality, the SRO shall inform the principal or his or her designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
- The activity involves actual or possible truancy.

The SRO shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32 (Community Based Justice information-sharing programs) and G.L. c. 71, § 37H (setting forth potential disciplinary consequences for violations of criminal law).

When the SRO observes or learns of student misconduct in school for which a law enforcement response is appropriate (as described in Section IV), the SRO shall convey to the principal or his or her designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the SRO observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the SRO shall report the misconduct whenever such reporting would be required for school personnel.

VI. Data Collection and Reporting

In accordance with state law, the SRO and school administrators shall work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

VII. SRO Training

In accordance with state law, the SRO shall receive ongoing professional development in:

- (1) child and adolescent development,**
- (2) conflict resolution, and**
- (3) diversion strategies.**

Additional areas for continuing professional development may include, but are not limited to:

- Restorative practices
- Implicit bias and disproportionality in school-based arrests based on race and disability

- Cultural competency in religious practices, clothing preferences, identity, and other areas
- Mental health protocols and trauma-informed care
- De-escalation skills and positive behavior interventions and supports
- Training in proper policies, procedures, and techniques for the use of restraint
- Teen dating violence and healthy teen relationships
- Understanding and protecting civil rights in schools
- Special education law
- Student privacy protections and laws governing the release of student information
- School-specific approaches to topics like bullying prevention, cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning

The SRO shall also receive certified basic SRO training on how to mentor and counsel students, work collaboratively with administrators and staff, adhere to ethical standards around interactions with students and others, manage time in a school environment, and comply with juvenile justice and privacy laws, to the extent that such training is available.

VIII. Accompanying Standard Operating Procedures

This Agreement shall be accompanied by Standing Operating Procedures that shall be consistent with this Agreement and shall include, at a minimum, provisions detailing:

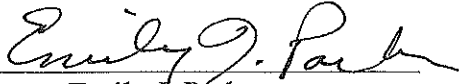
- **The SRO uniform** and any other ways of identifying as a police officer;
- **Use of police force, arrest, citation, and court referral on school property;**
- **A statement and description of students' legal rights, including the process for searching and questioning students and when parents and administrators must be notified and present;**
- **The chain of command, including delineating to whom the SRO reports, how often the SRO meets with the principal or his or her designee, and how school administrators and the SRO work together,** as well as what procedure will be followed when there is a disagreement between the administrator and the SRO;
- **Performance evaluation standards, which shall incorporate monitoring compliance with this Agreement and use of arrest, citation, and police force in school;**
- **Protocols for diverting and referring at-risk students to school- and community-based supports and providers;** and
- **Clear guidelines on confidentiality and information sharing between the SRO, school staff, and parents or guardians.**

IX. Effective Date, Duration, and Modification of Agreement

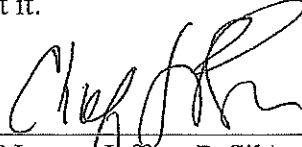
This Agreement shall be effective as of the date of signing.

This Agreement shall be reviewed annually prior to the start of the school year. This Agreement remains in full force and effect until amended or until such time as either of the Parties withdraws from this Agreement by delivering written notification to the other Party.

Upon execution of this Agreement by the Parties, a copy of the Agreement shall be placed on file in the offices of the Chief and the Superintendent. The Parties shall also share copies of this Agreement with the SRO, any principals in schools where the SRO will work, and any other individuals whom they deem relevant or who request it.



Name: Emily J. Parks
Superintendent of Schools
Date: May 16, 2019



Name: Jeffrey P. Silva
Chief of Police
Date: May 16th, 2019