



## **POLICY ON HARASSMENT, BULLYING, DISCRIMINATION, AND HATE CRIMES**

### **Disciplinary Policy Regarding Civil Rights Issues**

The East Longmeadow Public Schools prohibits all forms of harassment, discrimination, and hate crimes based on the following protected categories: race, color, religion, national origin, ethnicity, sex, sexual orientation, age, disability, or gender identity.

The East Longmeadow Public Schools also prohibits bullying, as defined below. The East Longmeadow Public Schools will also not tolerate retaliation against persons who take action consistent with this Policy.

The prohibition against harassment, discrimination, hate crimes, bullying, cyber-bullying, and retaliation applies to all students on all sites and activities the SOURCE: East Longmeadow supervise, control, or where it has jurisdiction under the law, including on school premises and at school-sponsored functions, events or activities, including field trips, athletic activities, and school-related events.

## **Glossary of Terms**

**BULLYING:** The repeated use by one or more students or by a member of the school staff including but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extra-curricular activity, or a paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his/her property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

**CYBER-BULLYING:** This 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, §370 for the legal definition of cyber-bullying.

**HOSTILE ENVIRONMENT:** As defined in M.G.L. c. 71, § 370, 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.

**DISCRIMINATION:** Treating people differently, or interfering with or preventing a person from enjoying the advantages, privileges or course of study in a public school because of an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e., protected status). A person may not be subjected to discipline or more severe punishment for wrongdoing, nor denied the same rights as other students because of his/her membership in a protected class.

**HARASSMENT:** Harassment is oral, written, graphic, electronic or physical conduct on school property or at a school-related event, function or activity relating to an individual's actual or perceived race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability, that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the District's programs or activities, by creating a hostile, humiliating, intimidating, or offensive educational environment. For purposes of this Policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational environment. A single incident, depending on its severity, may create a hostile environment.

**RETALIATION:** Any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this Policy, or for taking action consistent with this Policy.

**Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposition discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.**

**HATE CRIME:** A hate crime is a crime motivated by hatred, bias, or prejudice, or where the victim is targeted or selected for the crime at least in part because of his/her actual or perceived race, color, ethnicity, national origin, religion, sexual orientation, age, disability or sex. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

**PERPETRATOR:** Perpetrator is a student or a member of the school staff including but not limited to an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extra-curricular activity, or a paraprofessional who engages in bullying or retaliation.

**TARGET:** A target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

### **Student Responsibilities**

Each student is responsible for:

Complying with this Policy;

Ensuring that (s)he does not harass or discriminate against another person on school grounds or in a school-related function, event or activity because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability;

Ensuring that (s)he does not bully another person on school grounds or at a school-related function, event or activity;

Ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, or a hate crime; and

Cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.

### **Protection against Retaliation**

**Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposition discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.**

The East Longmeadow Public Schools will take appropriate steps to protect students from retaliation when they report, file a complaint of, or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action, including short or long-term suspension, or expulsion.

### **Designated Officials for Reporting**

The Principal or his/her designee is responsible for receiving reports and complaints of violations of this Policy.

### **Reporting Procedures**

1. Any student who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property or in a school-related activity **should** promptly report the incident(s) to the Principal or his/her designee. In situations where a student or other person does not feel comfortable reporting the incident to a designated official, (s)he may report it to a trusted school employee, who must

promptly transmit the report to the Principal or his/her designee.

2. All complaints or reports about a violation of this Policy must be documented on the School's "Reporting/Complaint Form" (see Appendix A). The form is available from designated school officials and on the school system's web page. If a complainant or reporter is either unwilling or unable to complete the District's Reporting/ Complaint Form, the school official who receives the oral complaint or report will promptly prepare a written report by filling out the District's Reporting/Complaint Form, using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.
3. 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 his/her designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. The School official will promptly provide the Principal or his/her designee with the completed Reporting/Complaint Form.
4. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will utilize a variety of reporting resources including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address. **No disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.**
5. Through the ELPS **Memorandum of Understanding** with the East Longmeadow Police Department, the SOURCE: East Longmeadow may share any and all information with regard to student safety or possible illegal activity with the East Longmeadow School Resource Officer and/or other members of the ELPD.
6. If the Principal or his/her designee determines that bullying has occurred, (s)he shall take appropriate disciplinary action. If it is believed that criminal charges may be pursued against the perpetrator, the Principal will consult with the School Resource Officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the East Longmeadow Police Department will be notified.

### **Investigation Procedures:**

The goal of the investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint.

The Principal or his/her designee, upon receipt of a viable report of bullying, shall promptly contact the parents or guardians of a student who has been the alleged target and the alleged perpetrator of the bullying. The actions being taken to prevent further acts of bullying shall be discussed.

### **Emergencies**

The Principal or his/her designee will immediately call 911 in a case of a threat of imminent physical harm or actual physical harm to a school community member or where police, fire, medical, or other emergency assistance is needed.

### **Students on IEPs**

As required by M.G.L. c. 7 IB, §3, when an IEP Team determines that a 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.

### **Informal Resolution Procedure**

It may be possible to resolve a complaint through a voluntary informal process. Both the complainant and the alleged perpetrator will meet separately in a timely manner with the Principal or designee who will explain the informal process, the nature of the complaint, explain the prohibition against retaliation, and determine the needed corrective action the complainant seeks. After adequate investigation, the designated official will propose a resolution. If the complainant and the alleged offender agree with the proposed resolution, the designated official will write down the resolution, and *the* complainant and the subject of the complaint will sign it, and each person will receive a copy. At the meeting, the designated official will again explain the prohibition against retaliation. Parents of both the complainant and alleged offender will be notified of the process being followed.

A designated school official will monitor the situation, and will follow up with the complainant to determine whether there are further incidents or concerns. The designated official will maintain a written record of the follow up. At any time, either party may choose to forego the informal process and commence the formal procedure.

### **Formal Procedure**

#### **STEP ONE**

The Principal or his/her designee will separately meet in a timely manner with the complainant and the subject of the complaint to tell them about the formal process, explain the prohibition against retaliation, and determine the remedy the complainant seeks.

#### **STEP TWO**

The Principal or his/her designee will conduct an investigation in accordance with the procedures described **under the Investigations heading of this policy**. Parents of both the complainant and alleged offender will be notified of the complaint and the process being followed.

#### **STEP THREE**

The Principal or his/her designee will determine whether the allegations have been substantiated, and whether this Policy and/or the **Code of Conduct** have been violated. If the complaint is substantiated, the designated official will decide based on the investigative findings, on the appropriate course of action. The Principal or his/her designee will prepare a written report that includes the investigative findings.

#### **STEP FOUR**

The designated official will promptly notify the complainant and the subject of the complaint to let them know whether the complaint has been substantiated. If the complaint is substantiated and the offender remains a student in the school, the designated official will meet with the offender to describe, consistent with the **Code of Conduct**, the disciplinary and/or corrective action recommended, the school's expectations for future behavior and the potential consequences for retaliation or future violation of the Policy.

If a complaint is substantiated, a report of the incident will be placed in the offender's student records.

**File Retention:** The Principal or his/her designee will maintain a separate confidential file containing the original completed Reporting/Complaint Form, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials.

Any disciplinary or corrective action against a student must conform to the due process requirements of federal and state law.

#### **STEP FIVE**

The Principal or his/her designee will monitor the situation, and will follow up with the complainant at least weekly for two months to determine whether there are further incidents or concerns, and whether the corrective action and/or disciplinary action(s) imposed has/had been effective. The designated official will maintain a written record of the follow-up.

#### **STEP SIX**

Any right of appeal from discipline imposed is governed by the **Code of Conduct**.

#### **Permissible Disciplinary Sanctions and Corrective Actions in Response to Bullying, Discrimination, Harassment or Hate Crimes**

Disciplinary sanctions and corrective actions may include, but are not limited to, one or more of the following:

- A written warning;
- Parent conferences;
- An apology to the victim;
- Limiting or denying student access to a part or an area of the school;
- Adult supervision on school premises;
- Exclusion from participation in school-sponsored functions, after-school programs, and/or extracurricular activities;
- Classroom transfer;
- Awareness training (to help students understand the impact of their behavior);
- Participation in cultural diversity, anti-harassment, anti-bullying or intergroup relations program;
- Specific recommendations, (i.e. anger management, medical assessment, counseling, etc.) Short term or long-term suspension;
- Exclusion, expulsion, or discharge from school; and
- Any other action consistent with the **Code of Conduct**.

#### **Investigations for Formal Proceedings**

Prompt and Thorough Investigations: When the Principal or his/her designee determines that a Formal Proceeding is appropriate, the school will promptly investigate all reports or complaints of an alleged violation of this Policy.

#### **Investigative Procedure**

The Principal or his/her designee investigating the incident will gather and preserve evidence and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or acts of a serious criminal nature, the designated official will confer with the local police department prior to gathering or preserving evidence.

### **Communication during Investigation**

Throughout the investigatory and complaint resolution process, the Principal or his/her designee will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, the anticipated timing for concluding the investigation, and determination of discipline and/or corrective action(s).

### **Time for Investigations**

The Principal or his/her designee will complete his/her investigation as soon as practicable, but not to exceed 14 school days once the report has been received. The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

### **Ensuring Safety During Investigation**

The Principal or his/her designee will take any step he/she determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation.

### **Victim Assistance**

The Principal or his/her designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

### **Confidentiality**

The District will respect the privacy of the complainant, the subject(s) of the complaint, and the witnesses to the extent possible consistent with its obligations under federal and state law and regulations and the Policy to investigate, report, and take appropriate disciplinary and corrective action, and consistent with applicable confidentiality laws and student record regulations.

### **Imposing disciplinary action or corrective action**

If the Principal or his/her designee concludes that the subject of the complaint has violated this Policy, the District will impose disciplinary measures and/or corrective action reasonably calculated to end the conduct cited in the complaint, deter future conduct, and protect the complainant(s) and other similarly situated individuals.

### **Frivolous Complaints**

When a complaint is unfounded, frivolous, or maliciously fabricated, the complainant shall be subject to a range of disciplinary and correction actions consistent with the **Code of Conduct**.

SOURCE: East Longmeadow

LEGAL REFS: Title VII, Section 703, Civil Rights Act of 1964 as amended  
Federal Regulation 74676 issued by EEO Commission  
Title IX of the Education Amendments of 1972  
603 CMR 26.00  
M.G.L. 71:37O; 265:43, 43A; 268:13B; 269:14A

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model  
Bullying Prevention and Intervention Plan

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