

Framingham Public Schools

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To: All Framingham Public School Department Staff

The Framingham School Department is governed by a variety of state laws and a sizable body of School Committee policy. This booklet is designed to provide all staff members with copies of a small number of core or essential policies adopted by the School Committee. Documents in this booklet include:

POLICY NAME

POLICY NUMBER

- | | |
|--|--------------------|
| ● Staff Ethics/Conflict of Interest | GBEA |
| ● Code of Conduct | GBE, GBEB |
| ● Nondiscrimination Policy | AC, ACA, ACE |
| ● Equal Employment Opportunity | GBA |
| ● Sexual Harassment and Unlawful Discrimination
Policy and Procedures | ACAB |
| ● Empowered Digital Use Policy | IJNDB |
| ● Web Policy | IJND, IJNDC, IJNDD |
| ● Bullying Prevention and Intervention Policy | JICFB |
| ● Gender Identity Support | JBD |
| ● Core Beliefs | |
| ● Protective Regulations, Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973,
M.G.L. c. 622, Title IX of the Federal Education Amendments of 1972 | |

Please take some time to review these important policies. Several policies and notices, which are particularly important, are the policy on sexual harassment and unlawful discrimination, the policy guidelines governing use of the Internet and the Bullying Prevention and Intervention Plan. A complete set of the School Districts policies is available on line (www.framingham.k12.ma.us), and the School Committee's office. I hope that this booklet of core documents will be helpful to you and that you will keep it close at hand for consultation.

Sincerely,

Dr. Robert A. Tremblay

Policy GBEA: STAFF ETHICS / CONFLICT OF INTEREST

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system. All members of the professional staff will complete the State Ethics Commission's Conflict of Interest Municipal Employee Online Training Program every two years. Any new hire will be required to complete the Municipal Employee Online Training within 30 days of hire.

No employee of Framingham Public Schools will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees. At no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to them.

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee and the City or District Clerk at least two weeks prior to executing the hiring in accordance with the law.

REF: MASC

LEGAL REFS.: M.G.L. [71:52](#); [268A:1](#) et seq.

Voted: January 9, 2018

Policy GBE: Staff Conduct

The Framingham School Committee has a strong commitment to provide a safe workplace and to establish programs promoting high standards of employee health for all Framingham School Department, staff. Consistent with the spirit and intent of this commitment, the School Committee has established this policy regarding drug and alcohol use and/or abuse.

1. The illegal use, sale, or possession of narcotics, drugs (including alcohol) or controlled substances while on the job or school property is an offense warranting discharge. Any illegal substances will be turned over the appropriate law enforcement authority.
2. Employees who possess or are under the influence of alcohol, narcotics, drugs, or controlled substances either on the job or when reporting to work, will be subject to administrative action up to and including termination of employment. Employees may be required to undergo drug and/or alcohol screening tests, if it is suspected they are under the influence of drugs or alcohol.

3. Any employee may voluntarily request to participate in the Employee Assistance Program (EAP), if they need assistance in dealing with a drug or alcohol problem. This program may be accessed confidentially by the employee.

4. If an employee chooses to notify the School Department or requests assistance from the School Department regarding a drug or alcohol problem, such notice will not jeopardize his/her continued employment provided the employee stops the abuse and maintains appropriate job performance. While the Employee Assistance Program is a valuable resource in dealing with personal problems, participation in the program will not prevent disciplinary action for a violation of this policy.

5. All individuals, whether or not they are Framingham School Department employees, are subject to the provisions of Massachusetts General Laws, Chapter 272, Section 40A.

Policy GBEB: Staff Conduct

All staff members have a responsibility to familiarize themselves with and abide by the laws of the State as these affect their work, the policies of the School Committee, and the regulations designed to implement them.

In the area of personal conduct, the Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Committee and their implementing regulations and school rules in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

In their association with students, all school employees shall set examples that are an important part of the educational process. Their manner, dress, courteousness, industry, and attitudes establish models that affect the development of young people. The School Committee expects its staff members to be exemplary models, as well as to provide exemplary instruction.

LEGAL REFS.: M.G.L. [71:37H](#); [264:11](#); [264:14](#)

Policy AC: Nondiscrimination

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on

account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

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

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; Executive Order 11246, as amended by E.O. 11375; Equal Pay Act, as amended by the Education Amendments of 1972; Title IX, Education Amendments of 1972; Rehabilitation Act of 1973; Education for All Handicapped Children Act of 1975; M.G.L. [71B:1](#) et seq.; M.G.L. [76:5](#); Amended 2011; M.G.L.[76:16](#); BESE regulations 603CMR [26.00](#) Amended 2012; BESE regulations 603CMR [28.00](#); CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination

[GBA](#), Equal Employment Opportunity; [JB](#), Equal Educational Opportunities

Policy ACA: Nondiscrimination on the Basis of Sex

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

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

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

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

CROSS REF.: [AC](#), Nondiscrimination

Policy ACE: Nondiscrimination on the Basis of Handicap

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

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

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

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

Auxiliary Aids and Services: "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices; (4) service animals and (5) other similar services and actions.

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

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

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

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

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended; Education for All Handicapped Children Act of 1975; M.G.L. [71B:1](#) et seq. (Chapter 766 of the Acts of 1972); Title II, Americans with Disabilities Act of 1992, as amended; Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78
CROSS REFS.: IGB, Support Services Programs; [IMG](#), Service Animals in Schools

Policy GBA: Equal Employment Opportunity

Affirmative Action Statement

It is the policy of the Framingham Public Schools that no discrimination on the basis of any protected class including race, color, religion, disability, sex, gender identity, age or national origin will exist in any area of the public schools - in employment, in screening candidates for employment, or in retention and promotion. This policy includes the requirements of Federal Executive Orders 11246 and 11375, as amended, the laws of the Commonwealth of Massachusetts and the policies, rules, and regulations of the School Committee of the City of Framingham, Massachusetts. This policy is of utmost importance to the Framingham Public Schools because of legal considerations and because academic excellence requires that students be exposed to a broad range of ideas, individuals, and experiences.

The implementation of this policy embodies two concepts:

1. Nondiscrimination: The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, creed, color, age, sex, gender identity, national origin, disability or sexual orientation. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

2. Affirmative Action: The Framingham Public Schools and each of its departments will make a determined effort to recruit, employ and promote qualified members of groups currently underutilized in the school system's workforce. This effort goes far beyond a benign neutrality which tends to perpetuate the status quo ante in employment practices.

The nondiscrimination requirements apply to all persons, whether or not the individual is a member of a conventionally defined 'minority group.' The affirmative action requirements are designed to further the employment of women and minorities.

Non Discriminatory Practices Affecting The Handicapped

In accordance with Section 504 of the Rehabilitation Act of 1973 no otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity of the Framingham Public Schools.

LEGAL REF.: BESE Regulations 603 CMR [26:00](#)

M.G.L. [4:7](#); [22C:32](#); [71:89](#); [76:5](#); [76:12B](#); [151B:3](#); [151B:4](#); [265:39](#) (Chapter 199 of the Acts of 2011)

Policy ACAB: Policy and Grievance Procedure For Discrimination, Including Harassment And Retaliation

General Statement Policy

It is the policy of the Framingham School Committee to maintain a work and education environment in the Framingham Public Schools that is free of discrimination, including harassment, based on race, color, national origin, ancestry, age, gender, sexual orientation, gender, identity, religion, disability, veteran's status, or any other status protected by federal or state law. The Framingham Public Schools will not tolerate unlawful discrimination, sexual harassment and other forms of harassment. The Framingham School Committee also treats retaliation as a form of discrimination. Retaliation as defined by this policy is prohibited.

The Framingham School Committee takes allegations of discrimination, including harassment and retaliation, seriously. The District will respond promptly and equitably to all complaints or reports that a violation of this policy has occurred. Where a violation is found, the Framingham Public Schools will take appropriate disciplinary and corrective action to eliminate the conduct and prevent its recurrence.

This policy sets forth our goals of promoting a school and workplace environment free of discrimination, including harassment and retaliation. The policy, however, is not designed or intended to limit the authority of the District or its schools to take disciplinary, corrective or remedial action for school or workplace conduct that otherwise constitutes a violation of an applicable code of conduct. Nor does this policy limit the authority of the District or its schools to take immediate interim disciplinary action as set forth in applicable disciplinary codes or policy. The Superintendent, District Title IX/Equity Coordinator and school principals are authorized to delegate their responsibilities under this policy to a designee.

Policy Definitions

For purposes of this Policy and Grievance Procedure:

1. "DISCRIMINATION" means interfering with or preventing a student from enjoying the advantages, privileges or courses of study of a school, or discriminating against an employee in compensation or in terms, conditions or privileges of employment, because of that person's race, color, national origin, ancestry, sex, sexual orientation, gender identity, disability or religion, or any other status as protected under state and federal nondiscrimination laws.
2. "HARASSMENT" means unwelcome or inappropriate verbal, written, electronic or physical conduct relating to an individual's actual or perceived race, color, national origin, ancestry, sex, sexual orientation, gender identity, disability or religion that creates a hostile environment for the individual. A hostile environment is created when the 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 the ability of an individual to work in the Framingham Public Schools.

Below are examples of violations of this Policy in circumstances where the verbal, written, electronic or physical conduct has the purpose or effect of creating a hostile environment:

A. "SEXUAL HARASSMENT" is unwelcome or inappropriate conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal, electronic or physical conduct of a sexual nature.

“SEXUAL HARASSMENT” also means any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such advances, requests or conduct has the purpose or effect of unreasonably interfering with an individual’s work or education by creating an intimidating, hostile, humiliating or sexually offensive work or educational environment.

“SEXUAL HARASSMENT” also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

B. “RACE OR COLOR HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic or physical conduct that denigrates, demeans or stereotypes a person based on his/her actual or perceived race or color, including characteristics of a person’s race or color, such as racial slurs or insults, racial graffiti or symbols, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

C. “NATIONAL ORIGIN OR ANCESTRY HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic or physical conduct which denigrates, demeans or stereotypes a person based on his/her actual or perceived national origin, ancestry, or ethnic background, such as ethnic slurs or insults; negative comments, graffiti or symbols about surnames, country of origin, customs, language, accents, immigration status, or manner of speaking.

D. “DISABILITY HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic or physical conduct which denigrates, demeans or stereotypes a person based on his/her disability or perceived disability, including damaging or interfering with use of necessary equipment, imitating manner of movement, using slurs like "retard," or invading personal space to intimidate.

E. “RELIGIOUS HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic or physical conduct which denigrates, demeans or stereotypes a person based on his/her religion, including derogatory negative comments, graffiti or symbols about religious beliefs, traditions, practices (including non-belief), or religious clothing.

F. “SEXUAL ORIENTATION HARASSMENT” includes but is not limited to unwelcome or inappropriate verbal, written, electronic or physical conduct which denigrates, demeans or stereotypes a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, graffiti or symbols, imitating mannerisms, taunting, or invading personal space to intimidate.

G. “GENDER IDENTITY HARASSMENT” includes unwelcome or inappropriate verbal, written, electronic or physical conduct which denigrates or demeans a person based on gender identity, appearance or behavior, including anti-transgender slurs or insults, or taunting for gender nonconforming behavior or expression, clothing, hairstyles, activities, voice or mannerisms.

3. “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 the provision of the benefits, privileges or placement services for a student or as a basis for evaluation of academic achievement; 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.

4. “OTHER PROHIBITED CONDUCT” means any unwelcome or inappropriate verbal, written, electronic or physical conduct relating to an individual’s actual or perceived race, color, national origin, ancestry, sex, sexual orientation, gender identity, disability or religion that does not involve severe, persistent or pervasive behavior, but will likely create a hostile educational or work environment if it persists, by interfering with or limiting the ability of a student(s) to participate in or benefit from the district’s programs or activities, or the ability of an individual to work in the Framingham Public Schools.

5. “RETALIATION” means retaliating against any person for opposing any act or practice reasonably believed to be discriminatory as prohibited by applicable law and/or this policy, or for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination, including harassment or retaliation. Retaliatory acts include overt or covert acts of reprisal, interference, punishment or harassment against an individual or group.

6. “COMPLAINANT” means an individual who is the alleged victim of conduct covered by this policy and grievance procedure, or if a student, his/her parent(s)/guardian(s).

7. “COMPLAINT” means an individual’s oral or written report to a school or district employee alleging that s(he) is the victim of conduct covered by this policy, or if a student, his/her parent(s)/guardian(s).

8. “REPORT” means an oral or written report by anyone other than the alleged victim (or the parent(s)/guardian(s) of the alleged student victim) alleging a violation of this policy.

Policy Application

This policy applies to all sites and activities the Framingham 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 Framingham Public Schools. This policy 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 Framingham school district 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 disrupt the education process or the orderly operation of a school or school-sponsored activity or event.[1]

How To Make A Complaint Or Report

STUDENT REPORTING

1. Any student (or his/her parent/guardian) who believes s(he) or another student has been the victim of any act(s) in violation of this policy is strongly encouraged to promptly report the alleged act(s) to the principal or designee, or the District Title IX/Equity Coordinator. The student, however, shall report the act(s) within one

hundred twenty (120) calendar days of the alleged occurrence, or from the date the student reasonably becomes aware of the occurrence. The reporting time may be extended for good cause. The principal or designee shall immediately notify the District Title IX/Equity Coordinator of the complaint or report. If the student is more comfortable reporting the alleged act(s) to a person other than the principal or designee, or the District Title IX/Equity Coordinator, the student (or his/her parent/guardian) may report the alleged act(s) to any school or district employee. That employee shall report that information to the principal or designee. Where requested or needed, students, or his/her parents)/guardian(s), will be provided assistance in preparing and filing a complaint or report.

2. If the complaint or report is against a building principal, it shall be filed directly with the District Title IX/Equity Coordinator or designee.

3. The District encourages the reporting party or complainant to use the report/complaint form available from the principal or designee of each building, from the Superintendent's office, or on the district's Website. Use of the formal reporting form, however, is not mandatory.

STAFF REPORTING

4. Any Framingham Public Schools employee, volunteer or independent contractor who witnesses, receives a complaint or report of, or has knowledge or belief that a student, employee or volunteer has been the subject of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy, (a) shall inform the principal or designee, or the District Title IX/Equity Coordinator, as soon as possible, but by no later than the end of that school day, and (b) shall also transmit a written report to the principal or designee by no later than the beginning of the next school day. If the complaint or report involves the building principal, it shall be filed directly with the District Title IX/Equity Coordinator.

RECEIPT OF COMPLAINTS AND REPORTS

5. SCHOOL-LEVEL: The principal or designee is the person responsible for receiving oral or written reports or complaints at the building level for discrimination, including harassment or retaliation, or other prohibited conduct, under this policy and grievance procedure.

6. DISTRICT-LEVEL: The Superintendent or District's Title IX/Equity Coordinator is the person to receive reports or complaints of discrimination, including harassment or retaliation, or other prohibited conduct, under this policy, against the District, a district-level employee, or a building principal. If the report or complaint involves the Superintendent, it shall be filed directly with the School Committee.

1.COMPLAINTS AGAINST STUDENTS: Upon receipt of a complaint or report against a student under this policy, the principal or designee shall commence an investigation consistent with the provisions of Section VI of this Policy and forward a copy of the written complaint or report to the District Title IX/Equity Coordinator within one school day.

2. COMPLAINTS AGAINST SCHOOL EMPLOYEES: Any report or complaint against a school employee volunteer, contractor or adult visitor, shall promptly be referred to the District's Director of Human Resources, with a copy to the principal or District Title IX/Equity Coordinator.. The Human Resources Director will conduct the investigation, in consultation with the principal, in accordance with this policy. Complaint

resolution may include but is not limited to training, counseling, transfer of the employee, and progressive discipline (including a written reprimand, suspension and dismissal).[2]

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Where the Human Resources Director or District Title IX/Equity Coordinator conducts the investigation, s(he) shall have the same authority and shall adhere to the same grievance procedures as a principal under this policy.

3. CIRCUMSTANCES FOR REFERRING INVESTIGATION: In the event of a conflict or other circumstance that prevents the principal and designee from investigating the report or complaint, including where the principal and designee are directly and personally involved with a complaint or are closely related to a party to the complaint, then the Superintendent or District Title IX/Equity Coordinator shall direct another district employee to conduct the investigation. If the report or complaint is against the principal, the District Title IX/Equity Coordinator or designee shall investigate the report or complaint.

4. NON-COOPERATION OF ALLEGED VICTIMS: After receipt of a complaint or report, the principal or designee will attempt to identify and obtain the cooperation of the person who is the victim of the alleged conduct, if there is one. An investigation shall proceed even if an alleged victim chooses not to fill out the written complaint or reporting form. Even where the principal or designee does not obtain the identity of or cooperation by the alleged victim(s), the principal or designee will investigate the allegations, to the extent feasible.

5. NOTIFICATION OF PARENTS/GUARDIANS: Within 48 hours (not including weekends or holidays) of receiving a complaint or report under this policy, the principal or designee shall notify the parents/guardians of a student who has been reported as a victim and to the parents/guardians of a student who has been reported 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).

6. WAIVER OF NOTIFICATION REQUIREMENT: The Superintendent or District Title IX/Equity Coordinator may, within a 48 hour time period (not including weekends or holidays), grant the principal or designee a waiver from the requirement that the parents/guardians of the alleged victim and the alleged perpetrator be notified of the filing of a complaint or report. A waiver may only be granted if the Superintendent or District Title IX/Equity Coordinator deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted by the Superintendent or District Title IX/Equity Coordinator shall be in writing to the principal.

The Formal or Informal Procedure

A. SELECTING APPROPRIATE RESOLUTION PROCEDURE

1. After the principal or designee receives a complaint or report, (s)he shall determine whether to resolve the complaint or report through a Formal or Informal Resolution Procedure.

2. The INFORMAL RESOLUTION PROCEDURE is applicable only where it involves an allegation of “other prohibited conduct,” as defined in Section II, and where the parties agree to voluntarily participate. Informal Resolution is optional. If the parties do not agree to voluntarily participate, or an Informal Resolution Procedure

is not deemed appropriate, the principal or designee shall determine whether to address the matter under the Formal Resolution Procedure or the Student Code of Conduct.

3. The principal or designee shall commence a FORMAL RESOLUTION PROCEDURE and investigation under Section C, if any one of the following apply:

- (1) the complaint or report involves an allegation of severe, persistent or pervasive harassment, or other serious form of discrimination or retaliation;
- (2) there is a pending Formal Resolution Procedure against the alleged perpetrator;
- (3) the alleged perpetrator has previously been found to have violated this policy after a Formal Resolution Procedure;
- (4) the alleged conduct involves physical harm to a person or is serious enough that it may place a person at physical risk;
- (5) the incident has resulted in a criminal charge;
- (6) the alleged perpetrator is an employee, volunteer or independent contractor;
- (7) the incident involves a referral to the Massachusetts Department of Children & Families; or
- (8) where a Formal Resolution Procedure is otherwise deemed appropriate under the circumstances.

B. INFORMAL RESOLUTION PROCEDURE

1. MEETING SEPARATELY WITH PARTIES: Where an Informal Resolution Procedure is initiated, the principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days from receipt of the complaint or report), to review and explain the informal resolution procedures, answer any questions, and explain the prohibition against retaliation.

2. VOLUNTARY RESOLUTION: If appropriate, after completing any initial information gathering or investigation the principal or designee deems necessary to reach a voluntary resolution, (s)he will propose a resolution. The principal or designee shall invite the parents/guardians of the complainant and the alleged perpetrator to attend the resolution meeting. If the complainant, the alleged perpetrator and their parent(s)/guardian(s) agree with the proposed resolution, the principal or designee will write down the resolution, and the complainant and the alleged perpetrator, and their parent(s)/guardian(s), if present, will sign it, and each person will receive a copy. At the meeting, the principal or designee will again explain the prohibition against retaliation. The primary focus of the voluntary resolution is to effectively correct the problem and end the reported conduct, which may include and result in disciplinary action.

3. FAILURE OF VOLUNTARY RESOLUTION: If the complainant and alleged perpetrator cannot agree to an informal resolution, or if at any time after the informal resolution, the principal or designee determines that the problem is not corrected, the principal or designee will apply the Student Code of Conduct or initiate a Formal Resolution Procedure.

C. FORMAL RESOLUTION PROCEDURE INVESTIGATION AND RESOLUTION PROCEDURES

1. MEETING SEPARATELY WITH PARTIES: The principal or designee will promptly meet separately with the complainant and the alleged perpetrator (by no later than 2 school days of receipt of the complaint or report), to inform them about the formal resolution procedures and explain the prohibition against retaliation. The principal or designee shall also ask the complainant what (s)he believes may help make him/her feel safe from discrimination, including harassment or retaliation, or other prohibited conduct, pending the conclusion of

the investigation. A student complainant may request that a meeting concerning his/her complaint be held with the District's Title IX/Equity Coordinator. The alleged perpetrator is expected to cooperate with the investigation.

2. **PROMPT INVESTIGATIONS:** Upon receipt of a complaint or report, the principal or designee shall promptly (by no later than 2 school days), initiate an investigation into the alleged act(s). The nature and duration of an investigation will depend on the circumstances, including the type, severity and frequency of the alleged conduct. The principal or designee will complete the investigation as soon as practicable, generally not to exceed ten (10) school days after receipt of the complaint or report, except for good cause (as documented in the investigatory file). If the principal or designee needs more than ten (10) school days to complete the investigation, the Superintendent or District Title IX/Equity Coordinator may grant an extension of time, with a specific completion date. In the event such extension is granted, the principal or designee shall notify in writing all parties involved in granting the extension.

A. Law Enforcement's Request To Delay A School Investigation

Where the police chief or designee makes a request for deferral of an investigation pending a law enforcement criminal investigation, the principal, upon approval of the Superintendent, shall delay the investigation temporarily, for a limited period of time, until notified that the police department has completed its gathering of evidence. Any such delay, however, does not limit the responsibility of the principal or designee to promptly take interim measures (s)he determines are necessary and/or advisable to ensure the safety and well-being of the complainant and the school community, to the extent practicable, while the police department's fact-gathering is in progress.

3. **INVESTIGATION ACTIVITIES:** The investigation may consist of documented personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint or report. The parties shall have the opportunity to identify witnesses and other evidence. The investigation may also consist of a visit to the incident site and review of documents and physical evidence deemed pertinent by the investigator, including information regarding any prior incident(s) committed by the alleged perpetrator. The alleged victim and alleged perpetrator will be interviewed separately. Interviews will be conducted in a manner that protects the privacy of individuals to the extent practicable under the circumstances.

4. **COMMUNICATION DURING INVESTIGATION:** The principal will make reasonable efforts to regularly inform the complainant and the alleged perpetrator(s) and their parents/guardians of the status of the complaint, the anticipated conclusion of the investigation, and the determination.

5. **INTERIM MEASURES TO PROTECT SAFETY:** The principal or designee shall promptly take reasonable steps (s)he determines are necessary and/or advisable to protect the complainant, other students and employees, to the extent practicable, from further incidents or from retaliation pending the outcome of the investigation. This may include separating the parties, issuing a stay-away order, providing counseling or making academic adjustments. Interim measures should not penalize the alleged victim. The principal or designee shall document the interim measures taken.

6. **VICTIM ASSISTANCE:** The principal or designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

7. CONFIDENTIALITY: The District will respect the privacy of the complainant, the alleged perpetrator(s), and the witnesses to the extent possible, consistent with this policy, federal and state civil rights laws and confidentiality laws and regulations, and with the District's Education Records Policies.

8. FINDINGS AND RECOMMENDATIONS: Upon completion of an investigation, the principal or designee will evaluate the evidence and determine whether the allegations have been substantiated and whether the policy has been violated by a preponderance of the evidence; that it is more likely than not that a violation of this policy has occurred. The principal or designee will prepare a final investigative report that includes his or her findings, and when a violation is found, recommend appropriate disciplinary, corrective and remedial measures. At the conclusion of the investigation, the principal or designee will obtain the signature of the District Title IX/Equity Coordinator indicating his/her knowledge of the investigation, and its findings and recommendations.

9. BASIS FOR DETERMINING WHETHER POLICY VIOLATED: In making a determination of whether it is more likely than not that a violation of this policy has occurred, the principal or designee will 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, past incidents or patterns of behavior, and the extent to which the conduct adversely affected the education or school environment of the victim and other school community member(s).

10. REPORTING SUBSTANTIATED INCIDENTS TO SUPERINTENDENT: Upon completion of the investigation, the principal or designee shall report all substantiated incidents under the Formal Resolution Procedure to the Superintendent and the District Title IX/Equity Coordinator.

11. COMMUNICATION WITH PARTIES UPON COMPLETION OF INVESTIGATION: Once the investigation concludes, and a determination made, the principal or designee shall promptly notify the students involved of the findings and the result of the investigation. Within twenty four (24) hours of making the determination, the principal will attempt to notify via telephone the parents/guardians of the alleged victim and alleged perpetrator of the results of the investigation, and will also send a letter to the parents/guardians notifying them of the results of the investigation, and, as appropriate, any action taken.

The principal shall offer a meeting to the parents/guardians. If the parent(s)/guardian(s) requests, the principal shall schedule a separate meeting with the parties to further explain his/her findings and reasons for his/her actions. Any information provided under this policy shall be provided in accordance with the confidentiality requirements of the Family Educational Rights Privacy Act (FERPA) and other laws concerning student privacy, and the Framingham Public Schools Education Records policy.

Post-Investigation Response

A. TAKING APPROPRIATE DISCIPLINARY, CORRECTIVE AND REMEDIAL ACTION

1. TAKING APPROPRIATE ACTION: If a complaint or report is substantiated, the principal or designee shall promptly decide on the appropriate action, based on the investigative findings. 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. Should the Human Resources Director or principal recommend discipline more serious than a written reprimand for a school employee, such discipline is subject to review by the Superintendent.

B. DISCIPLINARY CONSEQUENCES AND RELATED ACTIONS FOR VIOLATING POLICY

1. **IMPOSING DISCIPLINE ON STUDENTS:** The District reserves the right to impose disciplinary measures or other consequences against any student who violates this policy, intentionally falsely accuses another student of violating this policy, or retaliates against any student or witness in violation of this policy. Discipline of a student may include, but is not limited to, a written warning; short-term or long-term suspension, or expulsion, or any other action authorized by and consistent with the school handbook and student code of conduct. Students facing discipline will be afforded due process as required by law.

2. **DISCIPLINE FOR STUDENTS WITH DISABILITIES:** The District complies 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.

3. **ACTION CONCERNING EMPLOYEES:** Disciplinary and corrective action concerning an employee may include, but is not limited to, an oral or written warning or reprimand, providing supervision and training, and suspension or termination of employment.

4. **ACTION CONCERNING SCHOOL VOLUNTEERS:** Disciplinary and corrective action concerning a school volunteer may include, but is not limited to, supervision and training, a written warning, limiting or denying access to school premises or school-related programs or activities, and suspending or terminating the volunteer relationship.

5. **ACTION CONCERNING INDEPENDENT CONTRACTORS:** Disciplinary and corrective action for an independent contractor may include, but is not limited to, a request to the employer to train, warn, suspend or terminate its employee; limiting or denying the individual contractor access to school premises or school-related programs or activities; and terminating the contract.

6. **ACTION CONCERNING OTHER SCHOOL COMMUNITY MEMBERS:** Corrective action concerning any other school community member, including parents/guardians, and visitors to Framingham Public Schools, may include, but is not limited to, a warning; counseling; and limiting or denying the parent, guardian or visitor access to school premises or school-related programs or activities.

C. APPLYING CORRECTIVE AND REMEDIAL MEASURES FOR STUDENTS

1. **APPLYING CORRECTIVE ACTION:** Corrective action concerning a student victim may include, but is not limited to, adopting a written safety plan to identify protective measures. Corrective action for the perpetrator may include, but is not limited to, classroom transfer; exclusion 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 order, parent/guardian conferences; a voluntary apology to the victim; 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.

2. **PREVENTION AND REMEDIATION:** The District will employ prevention and mediation strategies reasonably calculated to remedy the effects of the discrimination, including harassment and retaliation, or other prohibited conduct, on the victim and the school community and to provide a safe school climate. Remedial action may include providing or referring the student complainant for counseling or victim assistance services and/or tutoring; or special educational support for students with disabilities. Remedial action may also include modifying school-wide policies or practices and sponsoring anti-harassment, anti-discrimination, or related training for school staff and/or students. It may also include informing the broader school community of issues that affect it as a whole.

APPEALS

1. **FIRST LEVEL APPEAL FOR THE COMPLAINANT:** The complainant may appeal the investigative determination, or the corrective or remedial action taken for him/her, if any, to the principal or designee within ten (10) calendar days of receipt of notice of the determination. The principal or designee will review the case and determine whether to reopen the investigation. Written notice of the principal or designee's decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

2. **SECOND LEVEL APPEAL FOR THE COMPLAINANT:** The complainant may appeal, in writing, the principal or designee's decision to the Superintendent or designee within ten (10) calendar days. The Superintendent or designee shall review the case and determine whether to reopen the investigation. Written notice of the decision shall be provided to the complainant within ten (10) calendar days of the filing of the appeal, except for good cause, as documented in writing.

3. **APPEAL FOR THE PERPETRATOR:** A student disciplined under this policy is referred to the Student Code of Conduct, and for employees, applicable collective bargaining agreements; and for students and employees, to applicable federal and Massachusetts state laws.

Other Legal Remedies

1. At any time, whether or not an individual files a complaint or report under this policy, 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.

A. 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;

B. 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

C. Massachusetts Commission Against Discrimination ("MCAD")

One Ashburton Place, Boston, MA 02108
Tel: (617) 994-6000; Fax: 617-994-6024

D. 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; TTY: N.E.T. Relay: 1-800-439-2370

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

Policy Dissemination

In September of each school year this policy will be disseminated to all employees and students of the Framingham Public Schools, and their parent(s)/guardian(s).

Any concern related to the implementation of this policy, or a request for a copy of the full policy may be addressed to the building principal, the Superintendent or the District Title IX/Equity Coordinator.

Legal References

Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et.seq; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12134; M.G.L. Chapter 151B; M.G.L. Chapter 151C.

Policy IJND: Access to Digital Resources

The Framingham School Committee supports the right of students, employees, and community members to have reasonable access to various information formats and believes it is incumbent upon users to utilize this privilege in an appropriate manner.

Safety Procedures and Guidelines

The Superintendent, in conjunction with the Director of Technology, shall develop and implement appropriate procedures to provide guidance for access to digital resources. Guidelines shall address teacher supervision of student computer or tablet use, ethical use of digital resources and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of digital resources for prohibited or illegal activities and for the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures shall be implemented that effectively address the following:

Controlling access by minors to inappropriate matter on the Internet as defined by the Children's Internet Protection Act (CIPA) and the Children's Online Privacy Protection Act (COPPA);

Safety and security of minors when they are using email, instant messaging applications, and other forms of direct electronic communications;

Preventing unauthorized access, including hacking, viruses, and other unlawful activities by minors online; Unauthorized disclosure, use and dissemination of personal information regarding minors.

The School District shall provide reasonable public notice to address and communicate its internet safety measures.

Empowered Digital Use

All students and faculty must agree to and sign an Empowered Digital Use form found in their handbook prior to the student or staff member being granted independent access to digital resources and district networks. The required form, which specifies guidelines for using digital resources and district networks, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Director of Technology with a written request.

Employee Use

Employees shall use district email, district devices, and district networks only for purposes directly related to educational and instructional purposes.

Community Use

On recommendation of the Superintendent in conjunction with the Director of Technology, the district shall determine when and which computer equipment, software, and information access systems will be available to the community. All guests will be prompted to, and must accept the district's Access to Digital Resources Policy before accessing the district network.

Disregard of Rules and Responsibility for Damages

Individuals who refuse to sign required Empowered Digital Use documents or who violate district rules governing the use of district technology or networks shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, and network.

Individuals shall reimburse the district for repair or replacement of district property lost, stolen, damaged, or vandalized while under their care.

SOURCE: MASC

LEGAL REFS: 47 USC§ 254

Note: FCC regulations that went into effect April 20, 2001, implementing The Children's Internet Protection Act (47 U.S.C. § 254) require each school/district to certify compliance with certain policy requirements in order to maintain eligibility for Internet access discounts and other services provided by the federal government.

February 2, 2016

Policy IJNDC: School and District Web Pages

The Framingham Public School District realizes the limitless potential for information and communication provided by the World Wide Web. The availability of this communication vehicle provides an opportunity for students and staff to access and contribute to the world of information related to curriculum, instruction, school, District, and school community related activities. Therefore, the Framingham Public School District will use the Internet as an effective, efficient and timely source of information, method of communication and vehicle for resource collection. In order to take advantage of the opportunities the Internet provides, the Committee authorizes the creation of school and/or District Web pages on the Internet.

Only those web pages maintained in accordance with Committee policy and established procedures shall be recognized as official representations of the District or individual schools. All information on a school or District Web page must accurately reflect the mission, goals, policies, program, and activities of the school and District. The Web pages must have a purpose that falls within at least one of three categories:

1. Support of curriculum and instruction – intended to provide links to Internet resources for students, parents and staff in the District.
2. Public information – intended to communicate information about the schools and District to students, staff, parents, community, and the world at large.
3. District technology support – intended to provide and respond to instructional and administrative technology needs of students and staff.

The Superintendent shall designate an individual(s) to be responsible to maintaining the official District web page and monitoring all District Web page activity. A building Principal may make such designation for an individual school. Schools or departments that wish to publish a Web page must identify an appropriately qualified publisher and/or author.

As with any instructional materials or publication used by or representing the school or District, the building Principal or Superintendent, respectively, are ultimately responsible for accuracy and appropriateness of the information made available at the Web site. Concern about the content of any page(s) created by students or staff should be directed to the building Principal or to the Superintendent's office when related to the District Web site.

Web sites developed under contract for the Framingham Public School District or within the scope of employment by Framingham Public School District employees are the property of the Framingham Public School District.

Due to the dynamic nature of the World Wide Web, this policy is to be reviewed and updated on an annual basis or more frequently if required.

Policy IJNDD: Policy on Facebook and Social Networking Web Sites

The Superintendent and the School Principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

1. Improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.
 - a. District staff shall not list current students as "friends" on networking sites.
 - b. All e-contacts with students should be through the district's computer and telephone system, except emergency situations.
 - c. All contact and messages by coaches with team members shall be sent to all team members, except for messages concerning medical or academic privacy matters, in which case the messages will be copied to the athletic director and the school principal.
 - d. District staff will not give out their private cell phone or home phone numbers to current students without prior approval of the district.

- e. Inappropriate contact via e-mail or phone is prohibited.
2. Inappropriateness of posting items with sexual content
3. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol
4. Examples of inappropriate behavior from other districts, as behavior to avoid
5. Monitoring and penalties for improper use of district computers and technology
6. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

When inappropriate use of computers and websites is discovered, the School Principals and Superintendent will promptly bring that inappropriate use to the attention of the staff member and may consider and apply disciplinary action up to and including termination.

Policy JICFB: Bullying Prevention

The Framingham Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying, or cyber-bullying.

“Bullying” is the repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

“Cyber-bullying” means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- wire
- radio
- electromagnetic
- photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications, and social media

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying is prohibited:

- 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 Framingham public schools;

Bullying and cyber-bullying are prohibited 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 Framingham school district if the act or acts in question:

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or
- materially and substantially disrupt the education process or the orderly operation of a school.

PREVENTION AND INTERVENTION PLAN

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

REPORTING

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A member of a school staff shall immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee.

INVESTIGATION PROCEDURES

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

The school principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of physical and emotional safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school Principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or his/her designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee. A monthly report shall be provided to the Superintendent. Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

RETALIATION

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

TARGET ASSISTANCE

The Framingham Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

TRAINING AND ASSESSMENT

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all K through 12 students.

PUBLICATION AND NOTICE

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Framingham Public Schools website.

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. [71:370](#); [265:43](#), 43A; [268:13B](#); [269:14A](#)

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

CROSS REFS.: [AC](#), Nondiscrimination; [ACAB](#), Sexual Harassment; [JBA](#), Student-to-Student Harassment; [JICFA](#), Prohibition of Hazing; [JK](#), Student Discipline Regulations

Policy JBD: Gender Identity Support

The Framingham Public Schools strive to provide a safe, respectful, and supportive **learning environment in which all students can thrive and succeed**. All students need and deserve a safe and supportive learning environment to progress developmentally and academically.

Framingham Public Schools support and respect students' individual differences. For students who identify as gender nonconforming and/or transgender a supportive strategic plan to address legal and social emotional issues will be developed by a team of school personnel who are familiar with the student. This team will include the school administrator, school counselor, social worker and nurse. The plan will address the student's needs for the entire educational program, including before and after school activities.

A critical component of the student's support plan may include name changes and gender identity markers used in communication with and about the student and in written communication with the family or legal guardian/s. Framingham Public Schools will not require legal documentation to change the student's name or gender on the educational record.

Framingham Public School's administration and staff will follow the referenced procedures for supporting the student and developing the support plan. The plan will be reviewed and revised on an as needed basis.

References: <http://www.doe.mass.edu/ssce/GenderIdentity.pdf>; An Act Relative to Gender Identity (Chapter 199 of the Acts of 2011) MGL c.4, s5; MGL c. 76, § 5; 603 CMR [26.00](#); 603 CMR [1.00](#); 603 CMR [23.00](#); 603 CMR § [23.04](#); 603 CMR §§[23.01](#) and [23.07](#); The federal Family Educational Rights and Privacy Act, 20 USC 1232g.

CORE BELIEFS

- Learning is the central purpose of schools
- Human differences are to be respected
- Collegiality and professionalism characterize the school community
- Individuals are responsible for their behavior

PROTECTIVE REGULATIONS

The Framingham Public Schools does not discriminate based on race, color, age, gender, sexual orientation, religion, ethnic or national origin, disability, veteran's status or any other status protected by law. Grievance Procedures for the district can be found on the Framingham Public Schools website: <http://www.framingham.k12.ma.us>

As related to disabilities, the District complies with the following two Federal Civil Rights Laws:

AMERICANS WITH DISABILITIES ACT

Program applicants, participants, members of the general public, employees, job applicants and others are entitled to participate in and benefit from all Framingham Public Schools' programs, activities, and services without regard to disability.

Copies of this notice are available, upon request, in alternative print formats (large print, audio tape, Braille, computer disk, etc.) Our grievance procedure, self-evaluation, as well as ADA policies, practices and procedures are also available. Inquiries, requests, and complaints should be directed to: Mr. Lincoln Lynch, IV, Executive Director of Business and Operations, 73 Mount Wayte Avenue, Framingham, MA 01702, 508-626-9100 (Voice) and 508-877-4041 (Fax).

SECTION 504 OF THE REHABILITATION ACT OF 1973

The Framingham Public Schools complies with Section 504 of the Rehabilitation Act of 1973 which protects the rights of individuals with disabilities in programs and activities that receive federal funding. Section 504 regulations require the provision of free and appropriate public education to eligible students, reasonable accommodations and procedural safeguards. Grievance procedures are available upon request. Inquiries concerning the application of Section 504 may be referred to: Ms. Judith Styer, BA, BSN, NCSN, 504 Coordinator, 73 Mount Wayte Avenue, Framingham, MA 01702, 508-626-9197, or to the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

CHAPTER 622 OF M.G.L.

Regulations governing the application of Chapter 622 of the Massachusetts General Laws, Acts of 1971, were issued in June of 1975. Chapter 622 states “No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges, and courses of study in such public school on account of race, color, sex, religion, national origin, or sexual orientation.” These regulations focus on the services, programs and opportunities offered to students.

The Chapter 622 Regulations address five areas of school policy: school admissions, admission to courses of study, guidance, course content, and extra-curricular and athletic activities.

TITLE IX OF THE FEDERAL EDUCATION AMENDMENTS OF 1972

TITLE IX of the Educational Amendments of 1972 became effective in July of 1975 and concerns discrimination on account of sex, while extending protection against sex discrimination to the employment practices of a school or school district. Title IX states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under an education program or activity receiving federal assistance.” Title IX rules and regulations require education institutions receiving federal assistance to adopt a notification policy concerning Title IX.

The Title IX Coordinator is the responsible district employee who provides leadership and direction in expediting full compliance with the provisions of Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Chapter 622 of Massachusetts General Law and Title IX of the Educational Amendments of 1972, all of the above state and federal regulations require equal opportunity regardless of race, color, national origin, age, sex, sexual orientation, gender identity, disability, and religion in curricular, co-curricular and extra-curricular activities.

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal or the relevant The Title IX Coordinator listed below.

Mr. Joseph Corazzini, Assistant Superintendent for Equity, Diversity, and Community Development, Civil Rights Coordinator for Disability Related Complaints and Civil Rights Coordinator for Complaints Based on Race, Color, National Origin, Age, Sex, Sexual Orientation, Gender Identity and Religion. A copy of this policy and/or any regulations or inquiries regarding Title IX or Chapter 622 may be obtained by contacting Mr. Joseph Corazzini, at 73 Mount Wayte Avenue, 2nd floor, Framingham, MA 01702, 508-782-6890 (telephone), 508-877-4240 (fax) or jcorazzini@framingham.k12.ma.us.

[1] Nothing in this policy and grievance procedure should in any way create or should be construed to create an express or implied contract. All time frames may be extended for good cause, documented in the investigative file.

[2] Where the Human Resources Director or District Title IX/Equity Coordinator conducts the investigation, s(he) shall have the same authority and shall adhere to the same grievance procedures as a principal under this policy.