This meeting was conducted virtually via a Zoom Webinar.

- Review and Approve Minutes
  Members reviewed the draft minutes from February 8, 2021. The minutes were approved and subsequently forwarded for posting. Minutes from this meeting will be reviewed at the subcommittee’s next meeting.

- Continue Discussion of MASC Suggested Policy Revision re: Harassment

  ✓ Discuss ACA. Examples were revisited. Andrea asked how much latitude the committee has with regard to selecting specific examples to use in the policy. Sonia explained that the examples are intended to be broad and that the examples that were contained in the earlier draft are typically those used in both education and workplace policies. Further, our district counsel advised that the definition not be amended as it is a legal standard. Lori noted that although some districts’ policies just address protected classes, according to district counsel, Falmouth Public Schools went beyond that to include bullying. It was noted that age appears in the first section, associated with the employment context, and that the protected class language includes all races.

  Members opted to revise language further for clarity: Members resolved to delete “hate crimes” from the bullying section as “Hate Crimes” stands alone as the first section in this portion of the policy. Similarly, members deleted “bullying” from the second section as it is articulated in the first section. Through further conversation and reflection on shared professional learning, members agreed that microaggressions should not be included in the policy at this time. Terri pointed out that the preface for the examples is “included but not limited to,” which means the committee does not need to be exhaustive.

  ✓ Discuss ACAB. The questions previously raised by members were posed to district counsel, and Sonia reported that we cannot increase the standard of rigor as investigations that must be investigated under Title IX are based on a legal definition. Responses to incidents can also be conducted on the basis of the district’s discipline code, which has different criteria.

  The two places where the subcommittee proposed changing the standard to “and/or” cannot be modified. Members expressed frustration that the three-prong standard is unjust. This led to a question of whether Massachusetts Association of School Committees (MASC) has a system in place that would enable us to learn of and track changes that other districts make to their policies.

  The language limiting investigations to incidents occurring in the US is because the federal Department of Education (DOE) will not exercise jurisdiction over incidents outside the US. Students, however, would be subject to the district’s code of conduct. It was noted that substantial codes of conduct are articulated in the district’s handbooks, and a statement can be added indicating that the policy is not designed to limit the district’s authority. District counsel offered language that can be added to the policy statement. The discipline code is narrower and has layers of infractions, the nature of which correlate to consequences. There can be a parallel process for investigating under both Title IX and the code of conduct, but Title IX investigations must meet the three-prong standard.

  ✓ Concluding Conversation. Members discussed sending ACA forward to the School Committee for a first read while continuing to work on ACAB. Sonia shared the link for the posted Code of Conduct, so all members can review it before the next meeting. Leah inquired what would happen if an incident occurs while a policy change is being enacted but has not been approved by the full School Committee and whether we are noncompliant without having the policy finalized and approved. Superintendent Duerr has posed the question to district counsel and will update the members. In addition, she has asked the Chief of Police what definition the force uses and is waiting for the information.

  Ultimately, it was decided to wait for additional information before submitting ACA for first read.

- Other Item 2: Upcoming Information
  ✓ Next Meeting Monday, March 8, 2021; 5 – 6 pm
  ✓ Anticipated Agenda
    Review and Approve Minutes
    Return to Discussion on Policy Update for Harassment
    Other

Respectfully Submitted by,

Sonia L. Tellier                        Anne Barnes
Assistant Superintendent                Assistant Director of Special Education