

Inquiry & Assessment Presentation



October 12th, 2024

Comprehensive Investigations and Consulting, LLC

Who We Are

Comprehensive Investigations and Consulting (CIC) focuses on conducting independent and unbiased investigations for schools and agencies. CIC specializes in consulting services to strengthen policies, procedures, and compliance with local, state, and federal mandates.



Overview

CIC was retained to conduct an independent, third-party inquiry. CIC was tasked with assessing the following five points:

- (1) If Southborough Public Schools has documented investigation policies and/or procedures
- (2) If Southborough Public Schools followed aforementioned policies and/or procedures
- (3) Documenting a timeline of Southborough Public Schools investigation and response
- (4) If the investigation and response were timely
- (5) Assessing the effectiveness of communication from Southborough Public Schools to affected families and the school community at large.

Scope of Investigation

Although CIC was retained to investigate a variety of critical issues, the investigation did not cover the following points:

- (1) Reinvestigation of any incidents that were previously investigated.
- (2) Any matters related to Special Education.
- (3) Disciplinary action taken by Southborough Public Schools.

Part One: Policies & Procedures

Regional Policy Manual:

*Civil Rights Nondiscrimination
Policy A-180*

Civil Rights Nondiscrimination Policy A-180

STEP 1

Discrimination occurs

- Student or employee should report to principal
- Or to teacher, administrator, or guidance counselor

STEP 2

Complaint is made

- Complaint should be brought to principal or civil rights coordinator
- Principal should inform civil rights coordinator

Civil Rights Nondiscrimination Policy A-180

Types of Complaints

Anonymous Complaint

- District can often keep report confidential
- Safety may dictate district disclose identity of person making report

Informal Complaint

- Made to principal or civil rights coordinator
- Complainant should be informed they can initiate formal report at any time

Civil Rights Nondiscrimination Policy A-180

Types of Complaints, Cont.

Formal Complaint

- Should state the name(s) of person(s) involved, witnesses, description of conduct, date and location of conduct
- Signed and dated by complainant
- Complaints investigated “promptly and equitably” by civil rights coordinator, principal, or other designated individual
- Investigations may be initiated whenever warranted

Complaint Assessment

- Civil rights coordinator or principal will make an initial assessment after the complaint

Civil Rights Nondiscrimination Policy A-180

After the assessment, they may:

(A)

If the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint

(B)

If the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel

(C)

If it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so

(D)

If the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation

Civil Rights Nondiscrimination Policy A-180

Formal Resolution Procedure

Step 1

The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator

Step 2

The Respondent will be provided with an opportunity to be heard, including the opportunity to provide relevant information and identify witnesses

Step 3

The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws

Step 4

The investigator will keep a written record of the investigation process

Civil Rights Nondiscrimination Policy A-180

Formal Resolution Procedure

Step 5

The investigation will be completed within 20 school days of the date of receipt of the complaint

Step 6

The notification of the outcome, including, if appropriate, a description of the remedies taken, will be provided to the parties within 25 school days of the receipt of the complaint, unless extended for good cause

Step 7

Nothing in this Procedure will preclude the investigator from completing the investigation sooner than the time period described above

Civil Rights Nondiscrimination Policy A-180

Other Rules

Interim Measures

- *District should put in prompt and reasonable interim measures while investigation is pending*
- *Interim measures should be monitored for effectiveness*

Timeframes

- *Investigation completed within 20 days of complaint*
- *Provide written notice of outcome within 25 days*
- *May extend timeframes due to extenuating circumstances*
- *If investigation is extended, complainant/respondent should be notified*

Preponderance of the Evidence Standard

- *If discrimination/harassment occurred based on the preponderance of the evidence, steps should be taken to prevent recurrence of discrimination and correct effects*

Notification

- *Complainant and respondent should be notified of results*
- *Administration may refer offender for disciplinary procedures in accordance with federal and state law*

Civil Rights Nondiscrimination Policy A-180

Other Rules, Cont.

Appeal

- *Complainant or Respondent may file appeal to superintendent or designee*

Appeal Timeline

- *Appeal must be filed within 7 days of notification of outcome*
- *Superintendent will decide appeal within 30 days of receipt*

Part Two: Adherence to Policies & Procedures

Reporting

Policy

- The policy states incidents of discrimination should be reported to principal & principal should report it to civil rights coordinator.

Practice

- Parents reported the incident to the principal. The principal did not inform the civil rights coordinator.

Investigation

Policy

- The policy states complaints should be investigated “promptly and equitably” by the civil rights coordinator, principal, or other designated individual

Practice

- An investigation began once the administration learned of the racial slur being used, but several months after the slave auction
- The principal should have informed the civil rights coordinator of the mock slave auction so the incident could be investigated promptly

Investigation, Cont.

Policy

The policy states:

- Complainant and respondent have right to be interviewed, identify witnesses, and provide evidence
- Privacy rights of all parties should be maintained in accordance with state and federal laws

Practice

In practice:

- Relevant parents, The Teacher, and The Principal were all interviewed and given the opportunity to provide evidence
- The investigation appropriately managed the privacy rights of involved parties

Investigation, Cont.

Policy

The policy states the investigator should:

- Keep written record of investigation process
- Complete investigation within 20 school days of receipt of complaint
- Provide notification of outcome within 25 school days of receipt of complaint

Practice

In practice, the investigator:

- Kept notes and kept track of all evidence
- 20 and 25 day time frames were not complied with from date of complaint of mock auction; However, from the date of complaint of racial slur to first draft of investigative report was 23 days. Notification of investigation to families was 3 days later
- Given the number of witnesses and complexity of investigation, the inquiry was completed promptly by the civil rights investigator
- Investigation was not prompt overall because of delay in informing superintendent and civil rights coordinator

Finding

Policy

The policy states:

- Factual findings should be made based on the preponderance of the evidence standard

Practice

In practice, the civil rights coordinator found that:

- The slave auction violated Civil Rights/Nondiscrimination Policy A-180 and Teaching Controversial Issues Policy I-120
- Using a racial slur violated same policies
- Singling out Student 1 created a hostile environment & violated Bullying Policy A-150

Finding, Cont.

Policy

The policy states:

- Factual findings should be made based on the preponderance of the evidence standard

Practice

In practice::

- The findings were sufficiently founded by the preponderance of the evidence standard

Communication

Policy

The policy states:

- Notification of the outcome should be provided to parties within 25 days

Practice

In practice:

- Letters sent to Parents 1 and Parents 2 thanking them & informing them of substantiation of allegations

Discipline

Policy

The policy states:

- The administration may make decisions on disciplinary procedures

Practice

In practice:

- The Superintendent sent The Teacher a letter via email, regular and certified mail alerting The Teacher that the intention was intention to dismiss The Teacher, reason for this, and their rights moving forward
- This is appropriate disciplinary action under the policies and procedures

Part Three: Timeline

A complete timeline was provided in the full report, but is not available for public consumption due to privacy rights of those involved.

Part Four: Timeliness of Response

Timeliness of Response

Standard	Principal	Superintendent	Investigation
<p><i>Incidents of discrimination and harassment be investigated “promptly and equitably”</i></p>	<ul style="list-style-type: none">• <i>Responded promptly to every email and communication = timely response to parents</i>• <i>Did not conduct an investigation into mock slave auction</i>• <i>Did not report mock slave auction to Superintendent</i>	<ul style="list-style-type: none">• <i>Once he was aware, responded quickly</i>• <i>Within days, administration met with involved parties & respondent made apologies</i>	<ul style="list-style-type: none">• <i>Investigation completed in less than a month (timely considering amount of evidence and witnesses)</i>• <i>Overall response was not in keeping with standard; However, once administration was aware, timely response was carried out</i>

Part Five: Effectiveness of Communication

Communication

To Involved Parents

- Emails from Superintendent, Principal, and Teacher to involved parents demonstrate communication is frequent and prompt
- Administration appears to respond within a day or two, if not the same day
- Civil Rights Coordinator sent Parents 1 and Parents 2 brief summary of investigation at its conclusion

Communication

To School Community

- Administration kept school community as informed as possible, while taking into consideration privacy restraints
- Superintendent sent out first email informing school community of incidents on May 2nd, 2024 & sent series of follow up emails in the weeks after

Communication

Overall

- Expedient and thorough (with exception of the Principal at points)
- Members of administration were responsive via email
- The Principal could have done more to inform parents about inciting incident (ex. Superintendent sent out email soon after he found out about two incidents; Principal should have taken similar action)
- Some parents expressed frustrations about not being informed
- Superintendent's email communication was thorough & conscientious of privacy concerns
- Once Superintendent's office was aware of incidents, clear and consistent communications with parents and community were made

2024-2025 Action Plan

The following action steps are in progress/completed by the Public Schools of Southborough and endorsed by CIC

2024-2025 Action Plan

Goal

Progress

Review investigation procedures for investigations, including informal/formal procedures; ensure clear expectations; build leaders' knowledge and skills

Administrators attended a four-hour training conducted by Nuttall, MacAvoy & Joyce, P.C. Training focused on investigation procedures, including informal and formal procedures

Hire a Director of Equity, Belonging, and Community Engagement

A new Director was hired and will begin the role on September 25th, 2024. A professional learning (PL) plan was developed in July. First PL session was completed. Evaluated opportunities for two way engagement between caregivers, schools, and District. Scheduled 3 office hours for families.

Collect and review disciplinary data Pre-K - 12 to make decisions on behavior patterns and what additional skills, resources and knowledge are needed to support students

IT is in the process of training school leaders on how to use discipline module. Training to be completed by October 1. Module will be implemented on October 1

2024-2025 Action Plan

Goal

Progress

Expand the ways students and caregivers can report their concerns

Met with Sandy Hook Promise (SHP) liaison to set up Say Something Anonymous Reporting tool for elementary schools. Working with SHP on training principals and materials to communicate to families., and 4th and 5th grade students. Launch: October 1st

Identify the next level of work from the District Equity Audit

A planning meeting was held with MassInsight, who will develop an updated Action Plan and Summary of Progress

Deepen staff understanding of the District's work around equity of opportunity & empowering learners to ensure faculty and staff can support all learners

Developed a Professional Learning Plan and began implementation of the plan on August 26th and 27th

2024-2025 Action Plan

Goal

Progress

Ensure the District policies that address reporting incidents, communication, and handling of concerns are reviewed and communicated to caregivers

Developed a year-long policy review plan and schedule. The first meeting is scheduled for September 23rd, 2024.

To conduct an after-action review assessment of the incidents at Neary to learn from the experience and make improvements

CIC has completed this review and submitted a report with findings and recommendations

Recommendations

CIC makes the following recommendations to NSPS Civil Rights Nondiscrimination Policy A-180 (or to a new document that serves as the standard for investigations)

Definitions

Add the following terms:

- Complaint (or report)
- Hate Crime
- Hostile Environment
- Protected Class
- Respondent
- School Community
- Target (or Victim)

Statement of Responsibility

Should Include:

- A statement of responsibilities for members of the school community (i.e., complying with these policies, refraining from discrimination, cooperating with investigations, etc.)
- A statement of responsibilities for all non-student members of the school (i.e., reporting any acts of discrimination, intervening when appropriate, etc.)
- Definition of which kinds of violations necessitate reporting to principal, superintendent, and/or HR

Expansion of Complaint Procedures

Should Include:

- Exact definitions of informal vs. formal complaints, how they can be made, and how they will be handled
- An explanation of formal vs. informal investigation procedures

Explanation of Formal Investigation Process

Should Include (if not already included):

- A formal complaint is submitted
- If the incident involves a student, parents of student should be notified if appropriate (notifications should be consistent with student privacy rights under FERPA)
- A notice of the formal complaint is provided to respondent & timeline for this (i.e. The notice will be provided to respondent within 2 school days of receipt of formal complaint)
- Interim measures are put in place based on the nature of the alleged conduct & examples of what these interim measures may be
- The investigator will interview parties, including but not limited to respondent, complainant, and witnesses. Interview guidelines should include:
 - A record of all interviews should be kept by investigator
 - A standard manner for how interviews are tracked and documented

Explanation of Formal Investigation Process, Cont.

Should Include (if not already included):

- The investigator will review relevant evidence
- The investigator will compile a report which includes:
 - The initial complaint (including formal and informal reports)
 - A summary of the interviews
 - A summary of the evidence
 - A summary of relevant precedent, policies, and procedures
 - Findings
 - Disciplinary recommendations
 - Attached records of all interviews
 - Attached relevant precedent, policies, and procedures

Explanation of Formal Investigation Process, Cont.

Should Include (if not already included):

- The report, subject to all privacy rules, shall be provided to principal, superintendent, and relevant parties via email or some similarly secure form of communication.
- Complainant shall be notified whether a policy violation was found and if so, the appropriate remedial action NSPS is taking to eliminate discriminatory conduct, prevent its recurrence, and address effects on the complainant

Appeal Procedures

Should Include (if not already included):

- A timeframe (i.e., an appeal may be made within 7 days of receiving notice of the outcome of the investigation)
- Who may act as the appeal officer
- A statement that the appeal will be conducted within a reasonable timeframe (i.e., the appeal officer will decide the appeal within 30 calendar days of the date of the receipt of the written appeal. A written notice of the finding of the appeal shall be provided within 5 school days of the completion of the appeal)
- An expanded section on disciplinary action which outlines appropriate discipline that can be imposed for students, employees, administration, etc.
- A section on how files will be maintained, which should include: where files are kept, what is included in each file, how long documentation is kept, a promise that all files are confidential

Following Creation of New Policies and Procedures

- A copy should be sent to every student, family, staff member, member of the administration, and school committee
 - NSPS should hold a meeting with staff and administration on how to implement these policies
 - NSPS should hold a meeting with families and the public to address questions
 - Training on how to implement these policies and procedures should occur each year for all employees
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Thank You