

JBB CIVIL RIGHTS POLICY

The Minuteman Regional Vocational Technical School District prohibits all forms of harassment, discrimination, and hate crimes based on race, creed, national origin, religion, color, age, sex, ancestry, genetic information, marital/parental status, veteran status, disability, sexual orientation, gender identity, or homelessness. The civil rights of all school community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to our School District. Minuteman Regional Vocational Technical School District also prohibits bullying or harassment of school community members for reasons unrelated to their race, creed, national origin, religion, color, age, sex, ancestry, genetic information, marital/parental status, veteran status, disability, sexual orientation, gender identity, or homelessness. The District also will not tolerate retaliation against persons who take action consistent with this Policy.

It is the policy of the Minuteman Regional Vocational Technical School District to maintain an instructional and working environment that is free from discrimination and harassment of any kind. Administrators and supervisors will make it clear to all staff, students, and vendors that discrimination and harassment are prohibited. Discrimination and harassment shall be specifically addressed during meetings with students and in-service programs with staff.

Discrimination and harassment of staff or students interfere with the learning process and will not be tolerated. Discrimination or harassment by board members, employees, parents, students, vendors, and others doing business with the District is prohibited. The District will not tolerate any unlawful or disruptive behavior, including any form of harassment, bullying, discrimination, or hate crimes in our school or at school-related activities.

The District will promptly investigate all reports and complaints of harassment, bullying, discrimination, and hate crimes, and take prompt, effective action to end that behavior and prevent its reoccurrence. Action will include, where appropriate, referral to a law enforcement agency. The District will support this Policy in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

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REVISION: 6/17/08, 10/21/08

FIRST READING: 3/1/11; 11/14/17

SECOND READING: 4/5/11; 5/10/11; 1/16/18

ADOPTION: 5/10/11

REVIEW: VOTED TO ADD TO STUDENT / PARENT HANDBOOK 340, 9/8/98, 10/21/08, 3/1/11;
REVIEWED SS, EB, AD FOR 11/14/17 AND RELETTERED (FORMERLY JBA-E); COUNSEL 1/12/18
MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

The District will implement procedures consistent with this policy. To the extent there is any direct conflict between this policy and the District's Sexual Harassment polic(y/ies), the provisions of the District's Sexual Harassment polic(y/ies) shall supersede this policy.

A. APPLICATION

This Policy applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law. It applies to all students, school committee members, school employees, independent contractors, school volunteers, parents and legal guardians of students, and visitors to district schools where the conduct occurs on school premises or in school-related activities, including school-related transportation. Nothing in this Policy, however, is designed or intended to limit the District's authority to discipline or take remedial action under Massachusetts General Laws Chapter 71, §§37H, 37H 1/2, or 37H 3/4, or in response to violent, harmful, or disruptive behavior, regardless of whether this Policy covers the conduct.

B. DISCIPLINARY AND CORRECTIVE ACTION

Violation of this Policy is a serious offense. Violators will be subject to appropriate disciplinary and/or corrective action to correct and end the conduct, prevent its reoccurrence, and protect the complainant and other similarly-situated individuals from harassment, discrimination, hate crimes, retaliation, and bullying in the future.

C. RESPONSIBILITIES

A. Each School Community Member is responsible for:

1. complying with this Policy, where applicable;
2. ensuring that (s)he does not harass, discriminate against, or commit a crime against another person on school grounds or in a school-related activity because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, age, or disability;
3. ensuring that (s)he does not bully another person on school grounds or in a school-related activity;

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ALSO: ACAA, GBAA

4. ensuring that (s)he does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, or a hate crime; and
 5. cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.
- B. Each School Employee, Independent Contractor and School Volunteer is ALSO responsible for:
1. responding appropriately, and intervening if able to take action safely, when witnessing harassment, bullying, discrimination, retaliation, or a hate crime on school grounds or in a school-related activity;
 2. cooperating with the District's efforts to prevent, respond effectively to, and eliminate harassment, bullying, discrimination, and hate crimes; and
 3. promptly reporting all information s(he) knows concerning possible harassment, bullying, discrimination, retaliation, or a hate crime to a designated school official when (s)he witnesses or becomes aware of that conduct occurring on school grounds or in a school-related activity.

D. REPORTING VIOLATIONS OF THE CIVIL RIGHTS POLICY

To ensure compliance with this non-discrimination policy, the Superintendent shall designate one or more individuals to serve as Civil Rights/Title IX Coordinators. Complaints alleging discrimination on the basis of race, color, national origin, ethnicity, sex, disability, religion, sexual orientation, gender identity, or age may be brought to a Civil Rights/Title IX Coordinator for investigation. This includes complaints under Title IX or Section 504.

The Superintendent will ensure that all students and employees are notified of the name, office address, and telephone number of the Civil Rights/Title IX Coordinator(s). The contact information for the District's Civil Rights/Title IX Coordinator is as follows:

Civil Rights/Title IX Coordinator
758 Marrett Road
Lexington, MA 02421

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781-861-6500 x7301

E. PROTECTION AGAINST RETALIATION

The District will take appropriate steps to protect from retaliation persons who take action consistent with this Policy, or who report, file a complaint of, or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action.

F. DEFINITIONS

DISABILITY: A physical or mental impairment that substantially limits one or more major life activities (a) where the person has such an impairment, (b) has a record of such an impairment, (c) is regarded as having an impairment, or (d) has an individualized education program (IEP).

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

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 victim that: (a) causes physical or emotional harm to the victim or damage to the victim's property; (b) places the victim in reasonable fear of harm to himself or herself or of damage to his/her property; (c) creates a hostile environment at school for the victim; (d) infringes on the rights of the victim at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this policy and related procedures, bullying shall include cyberbullying

HARASSMENT: Harassment is oral, written, graphic, electronic or physical conduct on school property or at a school-related activity relating to an individual's actual or perceived

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race, color, national origin, ethnicity, religion, sex, sexual orientation, age, or disability (i.e., protected status), that is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the District's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. For purposes of this Policy, harassment shall also mean conduct, if it persists, that will likely create such a hostile, humiliating, intimidating or offensive educational or work environment. A single incident, depending on its severity, may create a hostile environment.

Harassment based on a person's protected status may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements;
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays (such as swastikas), or symbols on school or another person's property (e.g., books or backpacks);
- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letters, emails, instant messages, or websites;
- Defacing, damaging, or destroying school (e.g., desks, lockers or school walls) or another person's property; throwing objects (eggs, paint).

For informational purposes, and without limitation of any provision of this policy, examples of Specific Types of Harassment include, depending upon the circumstances:

Disability Harassment

- Unwelcome verbal, written or physical conduct directed at 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 referring to an individual's actual or perceived disability status, or invading personal space to intimidate.

National Origin Harassment

- Unwelcome verbal, written or physical conduct directed at a person based on

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his/her national origin, ancestry, or ethnic background, such as ethnic slurs or negative comments about surnames, customs, language, accents, immigration status, or manner of speaking.

Racial Harassment

- Unwelcome verbal, written or physical conduct directed at a person based on his/her race or color, including characteristics of a person's race or color, such as racial slurs or insults, racial graffiti or symbols, hostile acts based on race, nicknames based on racial stereotypes, negative comments about appearance, imitating mannerisms, taunting, or invading personal space to intimidate.

Religious Harassment

- Unwelcome verbal, written or physical conduct directed at a person based on his/her religion or non-belief, including derogatory comments about religious beliefs, traditions, practices, or religious clothing.

Sexual Orientation Harassment

- Unwelcome verbal, written or physical conduct, directed at a person based on his/her actual or perceived sexual orientation, such as anti-gay slurs or insults, imitating mannerisms, taunting, or invading personal space to intimidate.

Sexual Harassment

- Hostile environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by another student, a school employee, or a third party on school property or at a school-related activity is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from The District's programs or activities, or to interfere with or limit an individual's employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. A victim may also be someone reasonably affected by conduct directed toward another individual.
- *Quid pro quo* sexual harassment occurs when a school district's employee explicitly or implicitly conditions participation in an education program or activity

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or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the student submits to the conduct. Quid pro quo sexual harassment occurs, for example, when a school employee causes a student to believe s(he) must submit to sexual advances to receive a better grade than deserved, or is threatened with a loss of a promised college application recommendation unless the student dates the employee. Quid pro quo sexual harassment also occurs when a school district's employee conditions an employee's employment on submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or a basis for an employment decision (e.g., promotion, demotion, alteration of duties or hours or performance reviews).

- Sexual harassment may occur between any two or more individuals, including but not limited to adult to student, student to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.

Depending on the circumstances, sexual harassment may include, but is not limited to:

- **Verbal forms of sexual harassment**, including repeated unwanted requests for dates, sexual rumors, sexually explicit jokes, howling, whistles, catcalls, making unwanted gender-based references to a person's physical characteristics;
- **Written forms of sexual harassment**, including obscene graffiti, sexually graphic computer messages or games, love poems or letters continuing after being informed they are unwelcome;
- **Nonverbal forms of sexual harassment**, including offensive gestures, following or stalking another, cornering or blocking a person, leering, pressuring for sexual activities;
- **Visual forms of sexual harassment**, including displaying sexually suggestive or sexually provocative photographs, pictures, objects, cartoons, or posters; or

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- **Unwelcome physical touching**, including grabbing, groping, squeezing, sexual fondling, kissing, brushing against another's body, body hugs, and other unwelcome contact.

HATE CRIME: A crime motivated by hatred or bias, or where the victim is targeted or selected for the crime at least in part because the person is a different race, color, national origin, ethnicity, religion, gender, or sexual orientation from the perpetrator or because the targeted person has a disability. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another's property.

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

- Use of racial, ethnic, religious or anti-gay slurs;
- Use of symbols of hate, such as a swastika or burning cross;
- Similar behavior toward others who are members of the same protected class;
- The perpetrator's protected class is different from the victim's;
- The incident occurs while the victim was promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as attending an advocacy group meeting, or participating in a students' gay-straight alliance, or a disability rights demonstration.

INDEPENDENT CONTRACTOR: Any person, organization, or company who contracts with and/or provides goods, supplies, or services to the District or a school, and who is not a school employee and is not under the direction or control of the District (e.g., bus drivers and school vendors).

NATIONAL ORIGIN: A person's ancestry, country of origin, or the country of origin of the person's parents, family members or ancestors.

RETALIATION: Any form of intimidation, reprisal, or harassment by a school community member directed against another school community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this Policy, or for taking action consistent with this Policy.

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REPORTER: A person reporting an incident who is a third party and not the victim of the alleged conduct that violates the Policy.

SCHOOL COMMUNITY MEMBER: Any student, administrator or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school-sponsored function or activity.

SCHOOL EMPLOYEE: Any school administrator, teacher, school counselor, nurse, secretary, librarian, and any other professional or support staff member employed by the District, and (except school volunteers) subject to the District's direction or control.

SCHOOL-RELATED ACTIVITY: Any school-sponsored activity, such as a field trip or an athletic competition; any school-related function or event, such as a PTO meeting; where school officials have supervisory responsibility for students; or where students are using school transportation or are at a designated school bus stop.

SCHOOL VOLUNTEER: Any person who without compensation provides goods, supplies, or services to The District or its schools on a one time or an ongoing basis, and who is not a school employee or independent contractor.

G. FURTHER OPTIONS FOR REPORTING

As outlined above, complaints may be filed with the Civil Rights/Title IX Coordinator at Minuteman.

In certain cases, harassment of a student may constitute child abuse under Massachusetts law. The District will comply with all legal requirements governing the reporting of suspected cases of child abuse. The District will also report instances of harassment that may involve a crime to law enforcement authorities in a manner consistent with applicable law.

In addition to the above, if an employee or student believes he/she has been subjected to harassment, a formal complaint may be filed with one or more of the government agencies

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set forth below. Using Minuteman's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 300 days).

1. **The United States Equal Employment Opportunity Commission (EEOC)**
John F. Kennedy Federal Building
Government Center
4th Floor, Room 475, Boston, MA 02203
(617) 565-3200, TTY: (617) 565-3204

2. **The Massachusetts Commission Against Discrimination (MCAD)**
Boston Office:
One Ashburton Place - Room 601, Boston, MA 02108
(617) 727-3990

Springfield Office:
436 Dwight Street, Room 220, Springfield, MA 01103
(413) 739-2145, TTY: (617) 994-6196

3. **The U.S. Department of Education, Office for Civil Rights**
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
(617) 281-0111

4. **Massachusetts Department of Education**
75 Pleasant Street
Malden, MA 02148
(781) 388-3300

CROSS REFS: AC, ACA, JBA, JICFB
Minuteman Student/Parent Handbook

LEGAL REFS: Title VI and VII of the Civil Rights Act of 1964 as amended
Title IX of the Education Amendments of 1972

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U.S. Equal Employment Opportunity Commission regulations

603 CMR 26:00: Access to Equal Educational Opportunity

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