



Chelsea Public Schools

Office of the Superintendent

City Hall
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Chelsea, MA 02150
(617) 466-4477
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CIVIL RIGHTS AND SAFETY POLICY PROHIBITING DISCRIMINATION AND HARASSMENT IN THE CHELSEA PUBLIC SCHOOLS

Statement of Policy

It is the policy of the Chelsea Public Schools to provide a safe and secure learning environment for all its students regardless of race, color, religion, age, ethnicity, national origin, gender, gender identity or expression, sexual orientation, disability, limited English proficiency, or homelessness. Discrimination, sexual and bias-motivated harassment, and violations of civil rights disrupt the educational process and will not be tolerated. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel to engage in sexual or bias-related harassment (referred to as "wrongful harassment") or violate the civil rights of any pupil, teacher, administrator, or other school personnel. Conduct amounting to hate crime is a particularly serious infraction that will result in referral to law enforcement agencies.

The Chelsea Public Schools will act to investigate all complaints, either formal or informal, verbal or written, of sexual or bias-related harassment or violations of civil rights and to take appropriate action against any pupil, teacher, administrator, or other school personnel who is found to have violated this policy.

Commitment to Prevention

The Chelsea Public Schools are committed to prevention, remediation, and accurate reporting of bias incidents and civil rights violations, to the end that all students can enjoy the advantages of a safe and tolerant learning environment where individual differences are respected. The school undertakes to engage in activities and programming such as training of all school personnel intended to foster respect for diversity, civil rights, and non-violence in school settings.

For students or the Parents of a Student who would like to be referred to as their Gender Identity please refer to Appendix A: Specific Provisions for Transgender Students regarding school notification of gender identity.

Zero Tolerance for Known Civil Rights Violations: Required Reporting and Intervention to Stop Harassment

- a. School employees must intervene in ongoing civil rights violations and episodes of wrongful harassment whenever witnessed or reported, to the extent intervention can be done safely. School employees must report a civil rights violation or episode of wrongful harassment to the school civil rights administrator. Designated administrators must intervene in ongoing matters of civil rights violations and episodes of wrongful harassment, summoning assistance as necessary.
- b. The primary objective of school intervention in a civil rights matter is to put a swift end to, and prevent any recurrence of any wrongful conduct, so as to ensure the safety of all students and a school environment free of wrongful harassment and civil rights violations. Intervention should be undertaken immediately, as needed on a short-term basis, and more comprehensively once a civil rights violation has been found to have occurred. The school will take all necessary steps within its authority to implement the objective of stopping continuing civil rights violations and wrongful harassment, and restoring and preserving an environment free of such conduct.

- c. Effective, and if need be escalating, measures should be used to definitively stop harassment and violence. School officials should immediately consider and use regular administrative actions to defuse a civil rights situation wherever possible: separating victim or complainant and offender, ordering the offender to stay away from the victim, or assigning additional security. Relevant school disciplinary hearings should begin and proceed on an expedited basis where there is a threat of ongoing interference with civil rights. Disciplinary action appropriate to the offender's conduct should be taken when a violation is found. Potential criminal conduct should be reported to law enforcement, and legal remedies pursued as necessary to protect civil rights.

Designation of Civil Rights Administrator

The Chelsea City Solicitor, Cheryl Watson Fisher, is responsible for responding to matters of civil rights that arise in the school setting. She is available to receive reports and complaints of civil rights violations from students, faculty, or staff. She will receive specialized civil rights training and take responsibility for upholding school civil rights and safety policies. She will also serve as a liaison with law enforcement agencies, and assist the principal and superintendent in making referrals of possible criminal matters to law enforcement. Concerns should be addressed to:

Cheryl Watson Fisher, City Solicitor, Civil Rights Administrator
500 Broadway, Room 307
Chelsea, MA 02150
Cfisher@chelseama.gov
(617) 466-4150

Identification of Prohibited Conduct

Definitions:

BIAS INCIDENT means any act, including conduct or speech, directed at or which occurs to a person or property because of actual or perceived race, color, religion, age, ethnicity, national origin, gender, gender identity or expression, sexual orientation, disability, limited English proficiency, or homelessness. A bias incident may or may not be a criminal act.

BIAS INDICATORS are objective facts and circumstances which suggest that an action was motivated in whole or in part by a particular type of bias.

BIAS MOTIVES recognized in Massachusetts law as causing hate crimes include prejudice based on race, color, religion, age, ethnicity, national origin, gender, gender identity or expression, sexual orientation, disability, limited English proficiency, or homelessness.

CIVIL RIGHTS VIOLATIONS involve interfering by threats, intimidation, or coercion, with someone's enjoyment of constitutional or statutory rights. Rights protected against interference include non-discrimination in access to advantages and privileges of a public school education. The term "civil rights violation" also covers bias-related and sexual harassment and bias crimes, so the term is applied generically to any civil or criminal law infractions including homelessness.

DISCRIMINATION consists of actions taken against another(s) which treat them unequally because of race, color, religion, age, ethnicity, national origin, gender, gender identity or expression, sexual orientation, , disability, limited English proficiency, or homelessness.

GENDER IDENTITY refers to an individual's internal sense of gender. A person's gender identity may be different from or the same as the person's sex assigned a birth.

TRANSGENDER describes those individuals whose gender identity is different from the sex they were assigned at birth.

TRANSGENDER MALE is someone who identifies as male but was assigned the sex of female at birth.

TRANSGENDER FEMALE is someone who identifies as female but was assigned the sex of male at birth.

HARASSMENT In general, harassment includes communications such as jokes, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which offends or shows disrespect to others based upon race, color, religion, national origin, age, gender, gender identity or expression, sexual orientation, disability, or homelessness, when such communication or conduct is sufficiently serious to deny or limit the ability of an individual (1) to participate in or benefit from applicable educational programs or school sponsored-events or (2) to perform his or her duties as an employee.

By law, the particular communication or conduct is viewed from the perspective of a reasonable person with the characteristic on which the harassment is based. What one person may consider acceptable behavior may reasonably be viewed as harassment by another person. Therefore, individuals should consider how their words and actions might reasonably be viewed by other individuals.

Sexual Harassment. While all types of harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment or education.
2. The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a student.
3. Such conduct interferes with an individual's job duties, education or participation in extra-curricular activities.
4. The conduct creates an intimidating, hostile or offensive work environment or school environment.

HATE CRIMES include any criminal acts to which recognized types of bias motives are an evident contributing factor. Criminal bias-motivated conduct entails, at a minimum, threats. Criminal conduct includes acts putting someone in fear of immediate physical harm (assaults), and actual physical violence (assault and battery), and grows most serious if a victim suffers any bodily injury. Repeated threatening or menacing actions like following someone can amount to the crime of stalking.

HOSTILE ENVIRONMENT exists when a student has been or is subjected to threats, intimidation, or coercion by another (or others) or is reasonably in fear for his or her safety. Whether a school environment has become hostile must be evaluated based on the totality of the circumstances. Repeated instances of bias-related and sexual harassment create a hostile environment for the victim. A single act of harassment can also create a hostile or intimidating environment if sufficiently severe. A hostile environment does not necessarily entail that a student exhibits quantifiable harm, such as a drop in grades.

STALKING, a felony, consists of intentional conduct involving 1) 2 or more acts directed at a specific person, 2) which would cause an average person substantial distress, 3) where the perpetrator has made threats causing the targeted person fear of death or injury.

Common Bias Indicators:

- Bias-related oral comments or epithets
- Bias-related markings, drawings, or graffiti
- Use of bias-related symbols
- No clear economic motive for an assault and battery
- Crime involving disproportionate cruelty or brutality
- Offender history of crimes with similar modus operandi and victims of the same group

See G.L. 22C, Sec. 33; 501 CMR 4.04(1)(the Hate Crimes Reporting Act, Classification Criteria.).

Examples of Civil Rights Violations and Bias Incidents:

- Unwelcome verbal, written, or physical conduct directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs (racial and color harassment)
- Unwelcome verbal, written, or physical conduct, directed at the characteristics of a person's religion, such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs, or graffiti. (religious harassment)
- Conduct directed at the characteristics of a person's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs (national origin harassment).
- Conduct directed at the characteristics of a person's sexual orientation—actual, perceived, or asserted—such as negative name calling and imitating mannerisms (sexual orientation harassment).
- Conduct directed at the characteristics of a person's gender identity—actual, perceived, or asserted—such as negative name calling and imitating mannerisms (gender identity harassment).
- Conduct directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment (disability harassment).
- Conduct directed at the person's living arrangements (homelessness)
- Physical conduct putting someone in fear of imminent harm, coupled with name-calling of a bigoted nature (crime of assault)
- Repeated, purposeful following of someone, coupled with evident bias against the victim's actual or perceived group status (civil rights violation or crime of stalking)
- Painting swastikas on walls or other public or private property (crime of vandalism)
- Hitting someone because of their actual or perceived group status (crime of battery)

Scope of Policy:

This Policy applies to bias crimes, civil rights violations, bias incidents, and bias-related harassment occurring on school premises or property, or in the course of school-sponsored activities, including those outside of school if there is a detrimental effect on the school or educational climate.

Grievance and Reporting Procedures: Responding to and Investigating Incidents

- Whenever a staff person witnesses or some third party reports a possible civil rights violation, the school's designated civil rights administrator must be notified. The school's civil rights designee, in conjunction with school safety personnel and the principal's office, should immediately begin an investigation. In an emergency, 911 must be called.
- A student coming forward to report a civil rights violation s/he has experienced should be directed to the school's designated civil rights administrator after any emergency needs are attended. Consideration should be given to whether any immediate or interim steps are necessary to ensure the safety of and avert retaliation against the complainant.
- The investigation must determine whether a civil rights violation has in fact occurred. An immediate aim of the investigation should be preservation and gathering of evidence from the scene of an incident. Bias-related graffiti should be photographed then removed. The investigator should seek to interview all victims and witnesses at the scene, or as soon thereafter as possible, then interview others who may have relevant

knowledge as well. The investigation may also consist of any other methods and documents deemed relevant and useful.

- All the circumstances as found should be carefully evaluated for the presence of bias indicators that would characterize the matter as a civil rights violation. The investigation should make a finding as to whether a civil rights infraction in violation of this policy has occurred.

Where to File a Complaint:

Any student or employee who believes that Chelsea Public Schools has discriminated against or harassed her or him because of her or his race, color, religion, national origin, age, gender, gender identity or expression, sexual orientation, disability, or homelessness, in admission to, access to, treatment in, or employment in its services, programs, and activities may file a complaint the individual listed below (hereinafter referred to as “Grievance Administrator”).

Cheryl Watson Fisher
Title IX Coordinator
Sexual Harassment and Civil Rights Complaints
500 Broadway, Room 307
Chelsea, MA 02150
617-466-4150

Complaints of Harassment By Peers: In the event the complaint consists of a student's allegation that another student is harassing him or her based upon the above-referenced classifications, the student may, in the alternative, file the complaint with the building principal. The name of the building principal as one who hears students’ or employees’ complaints is generally posted on the bulletin board in each school.

Complaints of Discrimination Based Upon Disability: A person who alleges discrimination on the basis of disability relative to the identification, evaluation, or educational placement of a person, who because of a handicap needs or is believed to need special instruction or related services, pursuant to Section 504 of the Rehabilitation Act of 1973, Chapter 766, and/or the Individuals with Disabilities Education Act, must use the procedure outlined in the Massachusetts Department of Education's *Parents' Rights Brochure* rather than this Grievance Procedure.

A copy of the brochure is available from the following individual:

Cindy Rosenberg, Administrator for Special Education/Pupil Personnel
Chelsea Public Schools
c/o Parent Information Center
99 Hawthorne Street
Chelsea, MA 02150
617-466-5036

A person with a complaint involving discrimination on the basis of a disability other than that described above may either use this Grievance Procedure or file the complaint with the U.S. Department of Education at the address provided at the end of this Grievance Procedure.

Consequences for Civil Rights Violations and Failure to Act as Required

▪ **Non-disciplinary corrective actions:**

Potential civil rights violations can be addressed with steps that are not punitive in character, without the necessity of disciplinary proceedings. These steps generally lie within the ordinary discretion of principals and school officials. Examples of non-disciplinary actions that may be appropriate in some instances include

counseling, assignment to participate in a diversity awareness training program, separating offender and victim, parent conferences, and special work assignments such as a composition on a civil rights-related subject.

▪ **Disciplinary Proceedings**

Violations of the civil rights of a student or school employee which are found to have occurred after a hearing warrant the imposition of sanctions up to and including suspension and expulsion (for students), and suspension or termination (for employees). Disciplinary actions will be taken toward the goals of eliminating the offending conduct, preventing reoccurrence, and reestablishing a school environment conducive for the victim to learn. The school may consider completion of a youth diversion program as a sanction for student violators, standing alone or in conjunction with other disciplinary actions, for violations of civil rights.

▪ **Failure to Act by Administrators and Teachers**

Upon completion of policy dissemination, administrators and teachers have a duty to act to stop witnessed sexual or bias harassment and hate crimes, as safely as can be done; and report occurrences to the civil rights administrators and in some cases the police. A clear failure to act as this policy would direct should in the first instance entail that the individual undergo further training in hate crimes, diversity issues, and the requirements of school policy. The school administration will develop further sanctions and actions to address repeated instances of a failure to act in accordance with this policy.

Commitment to Non-Retaliation

To secure the unimpeded reporting of bias activity called for in this policy, the superintendent will deal seriously with any and all threats or acts of retaliation for the good faith filing of a complaint. Actual or threatened retaliation for the reporting of a civil rights matter constitutes a separate and additional disciplinary infraction warranting corrective actions. If conduct amounts to stalking, a mandatory referral to law enforcement will be made. Staff will monitor the situations of victims/complainants carefully to ensure that no threats or acts of reprisal are made. Appropriate and immediate non-disciplinary administrative actions to mitigate possible or actual retaliation may also be taken, to the extent administrators have discretion to act.

Referral to Law Enforcement

Whenever a school employee has reason to believe that a potential hate crime has been, or is about to be committed, s/he should notify the school civil rights designee and, especially in an emergency, the local police. The civil rights designee has chief responsibility for notifying the police of potential hate crimes in non-emergency situations; the referral is mandatory whenever a probable hate crime is at issue.

Documentation Requirements

▪ **Record keeping**

The designated civil rights administrator will be responsible for keeping records of all civil rights violations and hate crimes reported to the school. These records shall be grouped according to school year and grade. In addition to recording the particulars of the incident itself, the system should record the actions taken in response and the results of the investigation and intervention. The civil rights administrator shall keep this information gathered at a central place such as a school civil rights office.

▪ **Monitoring and Tracking to Identify Patterns**

Records should be maintained so as to permit administrators to detect patterns in civil rights violations, repeat offenders, and problem locations. Responsive action should be tailored based on the pattern information that records reveal.

Dissemination of Policy and Training

- a. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.

- b. This policy shall appear in the student handbook.
- c. The school district will provide instruction in the provisions of this policy to teachers, other employees, and students.
- d. This policy shall be reviewed at least annually for compliance with state and federal law.

Appeals

If the grievant is not satisfied with a disposition by a Building Principal, the grievant or representative may appeal the disposition to one of the Grievance Administrators, identified in Section I above. If the grievant is not satisfied with a disposition by a Grievance Administrator, the grievant may appeal to the Superintendent, as follows:

Dr. Mary M. Bourque, Superintendent
 Chelsea Public Schools
 500 Broadway, Room 216
 Chelsea, MA 02150
 617-466-4477

The Grievance Administrator or Superintendent will issue a written response on the appeal to the grievant within ten (10) school days of receiving the appeal.

APPENDICES TO MASSACHUSETTS CIVIL RIGHTS POLICY

Responsibilities of School Personnel and Students in Relation to Witnessed or Reported Bias Incidents

All Personnel and Students must

- Report bias incidents and civil rights violations to school civil rights administrators and/or the civil rights coordinator.
- Be familiar with basic facts about hate and hate crimes, so as to be able to identify bias incidents and have an understanding of the dynamics.
- Challenge biased attitudes and behavior whenever encountered in school and outside.
- Report hate crimes to police, and summon help in an emergency.
- Uphold school civil rights and safety policies and remain vigilant and alert for violations.
- Take responsibility so as to make a difference in stopping hate, finding and creating individual and group opportunities for action and involvement.

Teachers must

- Set guidelines for classroom behavior to avoid hurt feelings and promote respect.
- Respond to and challenge insensitive behaviors like name calling and exclusion of children who are different.
- Instruct against hate and prejudice, where this message is apropos to classroom subjects and lessons.
- Look for and help implement proactive programs and strategies to promote tolerance and stop hate conduct.

School Staff must

- Challenge and try to stop bias incidents when witnessed or encountered in progress, if a safe opportunity is presented.

Civil Rights Designees must

- Be available to receive reports of civil rights violations from students, faculty, and other administrators.
- Respond promptly to a report of a civil rights violation by intervening if possible, ensuring that students are safe and free from harassment, and by starting an investigation and quickly ascertaining the facts.

- Put a stop to ongoing harassment immediately and effectively, and refer victims to support services and resources available in the area.
- Take remedial, corrective, and disciplinary action as the circumstances established by the investigation, school policies, and the Code of Conduct, warrant.
- Take steps to avert retaliation against students who report civil rights violations, and act immediately to ensure student safety and freedom from harassment.
- Communicate and coordinate efforts with police on a regular, ongoing basis, and develop a working partnership with police officers assigned to schools and civil rights issues.
- Undergo specialized training to maintain knowledge of hate crimes and civil rights issues as they affect schools.

Additional Information

Inquiries concerning the applicability of federal laws and regulations to Chelsea Public Schools may also be referred to the U.S. Department of Education, Office for Civil Rights (OCR) 5 Post Office Square, 8th Floor, Suite 900 Boston, MA 02109 t. 617-289-0111 f. 617-289-0150(TTY: 1-800-437-0833)

A grievant may file a complaint with OCR, generally,

1. Within 180 calendar days of alleged discrimination or harassment, or
2. Within 60 calendar days of receiving notice of Chelsea Public School's final disposition on a complaint filed through Chelsea Public Schools, or
3. Within 60 calendar days of receiving a final decision by the Massachusetts Department of Elementary and Secondary Education, Bureau of Special Education Appeals, or
4. Instead of filing a complaint with Chelsea Public Schools.

Inquiries relative to state law may be referred to the Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148 (telephone 781-338-3300) (TTY 1-800-439-0183) or the Massachusetts Commission Against Discrimination at One Ashburton Place, Boston, MA 02108 (telephone 617-727-3990) (TTY 617-994-6196).

Federal and Massachusetts Laws bearing on harassment and bias crimes in school settings

Title VI, 42 U.S.C. Sec. 2000 et seq. (prohibition of discrimination based on race, color, or national origin)

Title IX, 20 U.S.C. Sec. 168 et seq. (prohibition of discrimination based on sex or gender)

Title II of the Americans with Disabilities Act, 42 U.S.C. Sec. 12134 (**prohibition of discrimination based on disability**)

G.L. c. 71, Sec. 37H (student handbooks required to state disciplinary measures applicable to "violations of other students' civil rights")

G.L. c. 76, Sec. 5 (prohibition of discrimination "on account of race, color, sex, religion, national origin or sexual orientation", in access to "advantages, privileges and courses of study of Chelsea Public Schools".)

G.L. c. 151C and 151B (Fair Education Practices Act, includes prohibition of sexual harassment and gender identity)

G.L. c. 214, Sec. 1 (right of privacy)

G.L. c. 214, Sec. 1C (right of freedom from sexual harassment)

G.L. c. 12, Sec. 11H and 11I (prohibition of threats, intimidation, or coercion interfering with someone's legal rights)

G.L. c. 265, Sec. 37 (criminal penalties for the use of force or threats to interfere with someone's legal rights)

G.L. c. 265, Sec. 39 (increasing penalties for assaults, batteries, and property damage motivated by bias on grounds of race, religion, ethnicity, disability, and sexual orientation)

G.L. c. 266, Sec. 127A (criminal penalties for vandalism of a school)

Federal and Massachusetts Laws bearing on harassment and bias crimes in school settings

Title VI, 42 U.S.C. Sec. 2000 et seq. (prohibition of discrimination based on race, color, or national origin)

Title IX, 20 U.S.C. Sec. 168 et seq. (prohibition of discrimination based on sex or gender)

Title II of the Americans with Disabilities Act, 42 U.S.C. Sec. 12134 (**prohibition of discrimination based on disability**)

G.L. c. 71, Sec. 37H (student handbooks required to state disciplinary measures applicable to "violations of other students' civil rights")

G.L. c. 76, Sec. 5 (prohibition of discrimination "on account of race, color, sex, religion, national origin or sexual orientation", in access to "advantages, privileges and courses of study of Chelsea Public Schools".)

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