

BURLINGTON PUBLIC SCHOOLS

Dear Staff:

In light of recent safety related problems in school districts throughout the country, we in the Burlington Public Schools have been working on a variety of strategies to ensure the safety of all members of our school community.

One of those strategies is to build an increasing awareness and understanding in all of us of those civil rights granted to us by law, such as those summarized below:

- **Title I of the Americans with Disabilities Act of 1990:** Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the area of employment.
- **Title II of the Americans with Disabilities Act of 1990:** Prohibits discrimination, exclusion from participation, and denial of benefits by any public entity on the basis of disability including the area of public education.
- **Title IX of the Education Amendments of 1972:** Prohibits discrimination, exclusion from participation, and denial of benefits in educational programs on the basis of sex.
- **Title VII of the Civil Rights Act of 1964:** Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, religion, sex or national origin.
- **Section 504 of the Rehabilitation Act of 1973:** Prohibits discrimination, exclusion from participation, and denial of benefits based on disability.
- **Massachusetts General Laws, Chapter 76, Section 5:** Prohibits discrimination against students attending public schools on the basis of race, color, sex, national origin, religion, and sexual orientation.

As an educational institution, the Burlington Public Schools is committed to creating and maintaining schools that prevent discrimination of all types at the same time as they ensure the health and safety of all who work and learn there. Please take time to review this material in depth.

Sincerely,

Eric M. Conti, Ph.D.
Superintendent of Schools

Burlington Public Schools

NON-DISCRIMINATION NOTICE, CIVIL RIGHTS AND SAFETY INFORMATION FOR SCHOOL PERSONNEL, PARENTS, AND STUDENTS

1. Statement

It is the role of the Burlington Public School System to provide a safe and secure learning environment for all its students without distinction based on race, color, religion, national origin, disability, gender, or sexual orientation. 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 for any pupil, teacher, administrator or other school personnel to engage in sexual or bias-motivated 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 may result in referral to law enforcement agencies.

The School will act to investigate all complaints, either formal or informal, verbal or written, of sexual or bias-motivated harassment or violations of civil rights and to take appropriate action against any pupil, teacher, administrator, or other school personnel who is found in violation.

2. Commitment to Prevention

This institution is 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.

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

- A.** School employees must intervene in civil rights violations and episodes of harassment whenever witnessed or reported, to the extent intervention can be done safely. School employees must report a civil rights violation or episode of harassment to the school principal. Designated administrators must intervene in matters of civil rights violations and episodes of 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 harassment and civil rights violations. Intervention should be undertaken immediately, as needed on a short-term basis, and more comprehensively if 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 preventing further civil rights violations and 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 incidences of harassment and/or violence 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 individual's 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 individual's civil rights.

4. Designation of Civil Rights Administrators

The principal of each school in the Burlington Public School System will him/herself act as or designate at least one employee whose responsibility it will be to respond to matters of civil rights violations that arise in the school setting. The principal or designee shall be given a title and prominently identified as available to receive reports and complaints of civil rights violations from students, faculty, or staff. The designee will receive specialized civil rights training and take responsibility for upholding school civil rights and safety policies. The designee 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.

5. Procedures for Responding to and Investigating Incidents

- A. Whenever a staff person witnesses, or a third party reports, a possible civil rights violation or harassment, the school's designated civil rights administrator must be notified. The school's civil rights designee should immediately begin an investigation. When there is found to be an immediate threat to the health or safety of a student, the police should be notified.
- B. 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.
- C. 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.
- D. 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 based on the definitions of prohibited conduct supplied at Section 5.

6. Consequences for Civil Rights Violations and Failures to Act as Required

A. *Non-disciplinary corrective actions:*

Potential civil rights violations can be addressed with steps that are not punitive in nature, 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.

B. 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. Any such disciplinary action will be taken in accordance with the procedures set forth in the Student Handbook, and relevant state and federal laws and regulations.

C. Failure to Act by Administrators and Teachers

Upon completion of information 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 sometimes 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.

D. Commitment to Non-Retaliation

To secure the unimpeded reporting of bias activity called for in this information, the Burlington Public School System 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 avoid threats or acts of reprisal against the defendant. Appropriate and immediate non-disciplinary administrative actions to mitigate possible or actual retaliation may also be taken.

8. 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 has occurred.

9. Documentation Requirements

A. Recordkeeping

The designated civil rights administrator will be responsible for keeping records of all civil rights violations and hate crimes reported for 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.

B. Monitoring and Tracking to Identify Patterns

Records should be maintained so as to permit administrators to detect patterns in civil rights

violations, bias harassment, repeat offenders, and problem locations. Responsive action should be tailored based on the pattern of information that records reveal.

10. Dissemination of Information and Training

- A. This information shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This information shall appear in the faculty and student handbook.
- C. The School District will provide instruction in the provisions of this information to teachers, other employees, and students.
- D. This information shall be reviewed at least annually for compliance with state and federal law.

11. Additional Information: SECTION 504 OF THE REHABILITATION ACT

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a disability in any program receiving federal financial assistance. In order to fulfill obligations under Section 504, the Burlington Public School System has the responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability should knowingly be permitted in any of the programs and practices of the school system.

The Burlington Public School System has the responsibility under Section 504 to identify, evaluate, and if the student is determined to be eligible under section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, s/he has the right to a hearing with an impartial officer or may file a complaint with the Office of Civil Rights.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parents or guardian the right to: (1) inspect and review his/her child's educational records; (2) make copies of these records; (3) receive a list of the individuals having access to those records; (4) ask for an explanation of any item in the records; (5) ask for an amendment to the record on the grounds information is inaccurate, misleading, or violates the child's rights; and (6) request a hearing on the issue if the school refuses to make the amendment.

Questions should be directed to the designated Section 504 Coordinator via the Superintendent's office.

12. Additional Information: NOTICE OF NON-DISCRIMINATION

The Burlington Public Schools is committed to compliance with the Americans with Disabilities Act (ADA). The school system intends to ensure that individuals with disabilities, whether they are employed, apply for a position, or visit facilities within the schools, are treated fairly and given an equal opportunity to access facilities, programs, activities and employment.

It is unlawful for the Burlington Public School System to discriminate on the basis of disability against a qualified individual with a disability in regard to:

- (a) recruitment, advertising, job application, and employment procedures;
- (b) hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination,

right of return from layoff, and rehiring;

- (c) rates of pay or any other form of compensation and changes in compensation;
- (d) job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- (e) leaves of absence, sick leave, or any other leave;
- (f) fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- (g) selection and financial support for training including apprenticeships, professional meetings, conferences, and other related activities and selection for leaves of absence to pursue training;
- (h) activities sponsored by a covered entity including social and recreational programs;
and
- (i) any other term, condition, benefit or privilege of employment.

The Burlington Public School System will not: isolate individuals with disabilities; discriminate on the basis of disabilities through contracts; use qualification standards, criteria, methods of administration, or tests that discriminate against individuals with disabilities; or refuse to make reasonable accommodations to an otherwise qualified individual with a disability.

The Burlington Public Schools will consider reasonable accommodations providing the individual can perform essential functions of the position. It is not required, however to give preferential treatment to individuals with disabilities or lower the expected standards of performance.

The Burlington Public School System is committed to meeting the intent and spirit of ADA. All employees are urged to help meet this goal. If anyone believes that the Burlington Public School System has discriminated against him/her or someone else on the basis of disability, or if anyone has questions or concerns about the school system's responsibilities in this regard, please contact the Section 504/ADA Coordinator through the Superintendent's office.

APPENDICES TO POLICY
**Responsibilities of School Personnel and Students in
Relation to Witnessed or Reported Bias Incidents**

1. All Personnel and Students

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

2. Teachers

- A. Set guidelines for classroom behavior** to avoid hurt feeling and promote respect.
- B. Respond to and challenge insensitive behaviors** like name calling and exclusion of children who are different.
- C. Instruct against hate and prejudice**, when appropriate and relevant to classroom subjects and lessons.
- D. Look for and help implement proactive programs and strategies** to promote tolerance and stop hate conduct.

3. School Staff Specifically

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

4. Civil Rights Designees Specifically

- A. Be available to receive reports** of civil rights violations from students, faculty, and other administrators.
- B. Respond promptly to a report of a civil rights violation** by intervening, if possible, ensuring that students and staff are safe and free from harassment, and by starting an investigation and quickly ascertaining the facts.
- C. Put a stop to ongoing harassment** immediately and effectively, and refer victims to support services and resources available in the area.
- D. Take remedial, corrective, and disciplinary action** as the circumstances established by the investigation, school policies, and the Code of Conduct warrant.
- E. Take steps to avert retaliation** against students who report civil rights violations, and act immediately to ensure student safety and freedom from harassment.
- F. 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.

- G. Undergo specialized training** to maintain knowledge of hate crimes and civil rights issues as they affect schools.
- H. Coordinate school prevention programming and activities**, drawing on available resources and tools.

Relevant Federal and Massachusetts Laws

- Title VII, 42 U.S.C. § 2000 *et seq.*
- Title IX, 20 U.S.C. § 168 *et seq.*
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act, 42 U.S.C. § 12134
- G.L. c. 12, § 11(H) and (I)
- G.L. c. 71, § 37H
- G.L. c. 76, § 5
- G.L. c. 151C
- G.L. c. 214, §§ 1 and 1 C
- G.L. c. 265, §§ 37 and 39
- G.L. c. 266, §127A

BURLINGTON PUBLIC SCHOOLS APPOINTED COORDINATORS

Title IX

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Title IX

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Civil Rights Policy

Employee Confirmation Receipt

I acknowledge that I was provided a copy of the Burlington Public Schools Civil Rights Policy and that I have read and understand it.

Employee's Name

Employee's Signature

Date