

# CIVIL RIGHTS AND NON-DISCRIMINATION TRAINING

Greater Lowell Technical High  
School  
2018-2019

# Annual Training

- Annual training is mandated by the Massachusetts Department of Elementary and Secondary Education.
- Annual training is intended to increase awareness, understanding and appreciation of diversity and the principles of civil rights compliance.
- Annual training is intended to ensure that all employees know their rights and responsibilities.
- ALL employees are required to participate.

# Topics Covered

**WHAT IT IS**

**WHO IS COVERED**

**HOW TO PREVENT IT**

**COMPLAINT PROCESS**

# WHAT IS DISCRIMINATION?

Treating individuals differently or interfering with, or preventing an individual from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because they are members or associate with members of a certain protected group.

Discrimination is an action, not just an attitude. We are responsible for our own behavior and consequences.

# Discrimination-Legal Basis

Federal and state laws prohibit discrimination based on an individual's protected status in employment and education.

## Examples of Federal & State Laws

### Employment

- MA General Laws Ch. 151B, as amended
- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act
- Family and Medical Leave Act
- Americans with Disabilities Act
- Genetic Information Nondiscrimination Act
- Equal Pay Act
- Section 504 of Rehabilitation Act
- Uniformed Services Employment & Re-employment Rights Act
- Pregnancy Discrimination Act

### Education

- MA General Laws Ch. 151C, Ch. 76
- Title VI of the Civil Rights Act
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Section 504 of Rehabilitation Act
- Americans with Disabilities Act
- McKinney-Vento Homeless Education Assistance Act
- Equal Educational Opportunities Act-1974



# Forms of Discrimination

- ✓ **Disparate Treatment**- Individuals treated differently from other individuals of a different group.
- ✓ **Disparate Impact**-a qualification, test or policy (for example) that appears to apply to everyone the same but in fact has an adverse impact on members in a protected class.
- ✓ **Harassment**
  - Sexual & Non-Sexual (Other protected status, i.e. religious, racial, disability harassment)
- ✓ **Denial of Reasonable Accommodation**
  - Religious, Disability, Pregnancy
- ✓ **Retaliation**

# Who is covered?

## Protected (Federal and/or State) Categories Include:

- Age
- Race or Color
- Religion
- Sex
- Gender Identity
- Disability
- National Origin/ Ancestry
- Military personnel
- Criminal Record
- Genetics
- Sexual Orientation
- Pregnancy or a condition related to pregnancy
- Retaliation
- Homelessness



# Employment Terms-Conditions

- Selection and promotion
- Salary, leave and other benefits
- Training and Professional Development
- Discipline and appraisal
- Termination
- Harassment-free work environment



# Education: Access to programs-facilities

- Access to a full range of education programs.
- Availability of in-school programs for pregnant students.
- Important information translated into languages other than English.
- Accessibility of extracurricular activities
- Guidance counseling, course registration and course instruction

# Examples of Discrimination

Issuing a student a lower grade because of their race.

Terminating or refusing to promote an employee because they are age 40 or over.

Refusing to promote a female or allow access to educational programs because she is pregnant.

Denying an individual training opportunities because they are disabled.

Demoting an employee because he/she filed a discrimination complaint against their employer. (form of retaliation)

# What is Harassment?

Verbal or physical conduct that unreasonably interferes with an individual's school or work performance by creating an intimidating, hostile or offensive school/work environment based on their membership in a protected category or their association with a member in a protected category.

1. Conduct is Unwelcome in nature
2. Protected category was the cause of the harassment
3. Conduct had the effect/purpose of creating an intimidating, hostile, humiliating or sexually offensive school/work environment
4. Conduct interfered with work/alterd the terms of conditions of employment-education
5. The conduct or speech was subjectively and objectively offensive to a reasonable person.
6. The conduct or speech was sufficiently severe or pervasive

# Examples of activities that might create a hostile work/educational environment include:

- Degrading, demeaning, insulting or abusive remarks (verbally or in writing) about a person's disability, sex, gender identity or nonconformity with sex stereotypes, religion or other protected status.
- Displays of foul or obscene printed (including email) or visual material.
- Unwanted physical contact of any kind.
- **Important points:**
  - It is illegal to harass someone based on their protected status.
  - It is illegal to harass someone because they have complained about discrimination, filed a charge of discrimination, or participated in discrimination investigation or lawsuit
  - The harasser can be the victim's supervisor, student, teacher, peer, a supervisor in another area, a co-worker, or someone who is not an employee of the school, such as a parent or vendor.
  - Harassment need not rise to a standard of unlawfulness to be unacceptable in the workplace.



# Understanding Sexual Harassment

## IT IS A FORM OF SEX DISCRIMINATION

IT IS UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS OR OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE WHEN:

### QUID PRO QUO SEXUAL HARASSMENT-

- ✓ Submission to such conduct is made either explicitly or implicitly term or condition of employment or education; (Commonly referred to as quid pro Quo:-supervisor or person in authority towards an employee; school employee towards a student)
- ✓ Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual, (commonly referred to as quid pro quo); or

### HOSTILE ENVIRONMENT SEXUAL HARASSMENT-

- ✓ Such conduct has the purpose or effect of unreasonably interfering with an individual's work/academic performance or creating an intimidating, hostile, or offensive work/educational environment (commonly referred to as Hostile work environment).

**NOTE:** The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, student, teacher, or someone who is not an employee of the school, such as a parent or vendor.

**Sexual harassment in the workplace and educational environment is unlawful. It is unlawful to retaliate against an individual for filing a complaint of sexual harassment or participating in a sexual harassment investigation.**



# Examples-Sexual Harassment

- Depending on the circumstances, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:
  - Sexual jokes, written (including email) or verbal sexual references, pictures, comments on one's body
  - Leering, whistling, brushing against the body, gestures
  - Inquiries into or discussions of sexual activities
- **Note:**
  - Both victim and the harasser can be either a male or female, and the victim and harasser can be the same sex.
  - A single sexual advance may be considered sexual harassment if it is connected to granting or denying employment or educational benefits.

# Reasonable Accommodation Religion

- It is illegal to discriminate or harass or otherwise prevent an individual from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because of their religion or because that person is married to (or associated with) an individual of a particular religion.
- GLTHS provides reasonable accommodations for members' sincerely held religious beliefs or practices unless doing so would impose an undue hardship on the School District.
- A reasonable religious accommodation is any adjustment to the work and/or academic environment that will allow the individual to practice his/her religion.
- Examples of reasonable accommodation may include: voluntary shift substitutions or swaps, job reassignments, and modifications to workplace/academic policies or practices.


# Reasonable Accommodation Disability

It is illegal to discriminate or harass or otherwise prevent or exclude a qualified individual with a disability from enjoying the advantages, privileges or courses of study, or terms and condition of employment, because of their disability.

## ➤ Employment Context:

- For employees and applicants for employment, a person with a disability has a physical, psychiatric or developmental impairment that substantially limits one or more major life activity.
- Individuals with a record of a disability, regarded as having a disability, or associate with an individual with a disability, are also protected from discrimination and harassment .
- The law requires an employer to provide reasonable accommodation to a qualified individual with a disability, unless doing so would cause undue hardship.

## ➤ Academic/Student Context:

- For students, a person with a disability is an individual who has a physical or mental impairment, or is regarded as having such an impairment, that substantially limits one or more major life activities.
- The law requires reasonable accommodation if it would permit equal access to educational opportunities.
- Instructional staff should familiarize themselves with individual student accommodations by clicking on the  icon in the *Details* section of X2.

Reasonable accommodation might include, for example, providing a ramp for a wheelchair user, adaptive software, office or classroom modifications or a modification in policies or procedures.



# Reasonable Accommodation

## Pregnancy or a condition related to said pregnancy

Employers are obligated to engage in an interactive process and to accommodate employees experiencing pregnancy or a pregnancy-related condition, unless a particular accommodation would result in an undue hardship to the employer.

Examples of workplace accommodations may include: Time off to attend to a pregnancy complication or recover from childbirth with or without pay, seating, breaks to express breast milk, modification of equipment.

# GUIDELINE TO AVOID HARASSMENT/DISCRIMINATION

1. Whenever possible, rely on courtesy rather than contact.
2. Use the same sex standard.
3. Think of how your actions would look in local newspaper.
4. Treat people with respect-Respect differences.
5. Emphasize abilities-not limitations.
6. Monitor your own behavior.
7. Back off-allow reasonable space/distance.
8. Speak up/communicate concerns.
9. Speak without judging, blaming or demeaning. Avoid gossip, name-calling and offensive humor.
10. Listen with an open mind.



# Retaliation

- It is illegal to retaliate against students, employees or applicants, because they filed a charge of discrimination, because they complained about discrimination, or because they participated in an employment/academic discrimination proceeding (such as an investigation or lawsuit).
- Examples of behavior that may be considered retaliation: demotion, termination, threats, lowering a student's earned grade, setting different standards for similarly situated individuals.

# Responsibilities

- Read the School District's Policy
  - <https://drive.google.com/file/d/0BzWuqIqeCD0TQkxFZnlNazBPYVk/view>
- Monitor your own behavior.
- Cooperate in the investigation of reports or complaints of discrimination.
- Responding appropriately, and intervening if able to take action safely, when witnessing discrimination on school grounds or in a school-related activity.
- Promptly reporting all information (s)he knows concerning possible discrimination when (s)he witnesses or becomes aware of that conduct occurring on school grounds or a school-related activity.

# Individual Liability for Discrimination

- Individuals may be liable for:
- Their own discriminatory behavior
- Failing to act when they know or should have known about discrimination



# Complaint Process

## Student Complaints



### ■ Guidance Department-

- Tracy Encarnacao, Director of Guidance & Counseling Services

## Staff Complaints



### ■ Human Resource Office-

- Kathryn Tierney, Director of Human Resources

## Student/Staff Complaint



- Guidance/Human Resource

Complaints investigated thoroughly and fairly (due process).

Information maintained confidentially to the extent practical.

If determined school policy was violated, we will act to promptly eliminate the offending conduct.

Where appropriate, disciplinary action may be imposed.

Retaliation is prohibited.

Internal complaint process does not prohibit an individual from filing a complaint with MCAD, EEOC (employment) or US Dept. of Justice.

# Disciplinary Action

If it is determined that inappropriate conduct has been committed in violation of school policy, the School District will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment or expulsion from school, and may include such other forms of disciplinary action the School District deems appropriate under the circumstances.



# Notice of Non-Discrimination

- The Greater Lowell Technical High School does not discriminate on the basis of race, color, religion, national origin, pregnancy or a condition related to said pregnancy, sex, gender identity, sexual orientation, age, veteran status, disability, criminal record, genetic information, or homelessness in the administration of its educational and employment policies, programs, practices, and activities, as defined and required by state and federal law. In addition, Greater Lowell Technical High School is committed to providing a work and learning environment free from sexual harassment and prohibits retaliation against an individual for making a complaint of conduct prohibited under this Notice or for participating or assisting in the investigation of such complaint.
- PROCEDURES FOR REPORTS OF HARASSMENT, DISCRIMINATION, AND CIVIL RIGHTS VIOLATION
- Students should contact the Director of Guidance and Counseling Services (Title IX/Chapter 622 Coordinator), at 978-441-4955, to file a complaint in the event they have been a victim of harassment, discrimination or have experienced a violation of their civil rights. Employees should contact the Director of Human Resources at (978) 441-4892, if they have any concerns or questions regarding the same.

# Civil Rights-Sexual Harassment Training Confirmation

- Thank you for participating in this online training module.
- Your commitment to respect and tolerance of our differences fosters our efforts in providing a workplace and academic environment that is free from discrimination and harassment.
- If you have any questions regarding the content or wish to receive additional information, please contact the Human Resource Office at ext. 4892 or Guidance Department at ext. 4955.