



## Superintendent's Circular

School Year 2011-2012

NUMBER:  
EQT-8

DATE:  
September 1, 2011

### **RACIAL OR ETHNIC DISCRIMINATION/HARASSMENT OF STUDENTS**

#### **General Statement of Policy**

The Boston Public School Department is committed to maintaining a learning environment that is free from racial or ethnic harassment and discrimination. Accordingly, School Department Policy, consistent with Federal Law (42 U.S.C. 2000d), forbids any form of racial or ethnic discrimination or harassment of its students. The School Department will not tolerate any form of racial or ethnic discrimination or harassment of its students in any Department-sponsored activity, including academic programs, sporting events, and other extracurricular activities.

#### **Definition of Racial or Ethnic Discrimination and Harassment**

Racial or ethnic discrimination and harassment means treating students differently because of their race, color, ethnicity, or national origin such that the treatment interferes with or limits the ability of the student to participate in or benefit from a program or activity. Racial or ethnic discrimination and harassment also includes oral, written, graphic, or physical content, relating to an individual's race, color, ethnicity or national origin that is sufficiently severe, pervasive, or persistent that it (a) interferes with or limits a student's ability to participate in or benefit from any Department program or activity, or (b) creates an intimidating, threatening or abusive educational environment.

Racial or ethnic discrimination and harassment may originate with students as well as staff. Moreover, racial or ethnic discrimination and harassment may also be caused by other persons who participate, observe, or otherwise engage in any Department-sponsored activity, if the actions of these persons create a hostile environment as described above.

Provided that it is of sufficient severity, pervasiveness or persistence to meet the above definition, racial or ethnic discrimination and harassment includes, but is not limited to, the following:

1. Speaking derisively to or about students because of their race, color, ethnicity, or national origin;
2. Refusing to allow students to participate in any activity because of their race, color, ethnicity, or national origin unless there exists a legitimate non-discriminatory reason for the refusal; and
3. Taking any action or speaking in any manner that is derisive to any person based on his/her race, color, ethnicity, or national origin.

#### **Reporting and Investigation Procedures**

Students who believe they have experienced racial or ethnic discrimination or harassment are encouraged to report the alleged acts to their school principal or headmaster, or to the Office of Equity or other appropriate official as designated by the Superintendent.

Teachers, administrators, or other school officials who have or who receive notice that a student has or may have been the victim of racial or ethnic discrimination or harassment must immediately report the alleged acts to the relevant school principal or headmaster, or to the Office of Equity or other appropriate official as designated by the Superintendent.

The formal investigation of student complaints of racial or ethnic discrimination or harassment will be initiated and conducted in accordance with the Department's Uniform Procedures for Student Grievances of Discrimination.

In determining whether alleged conduct constitutes racial or ethnic discrimination or harassment, the Superintendent or his or her designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances.

### **School Department Action**

If the Superintendent or his or her designee determines that racial or ethnic discrimination or harassment has occurred, immediate and appropriate action will be taken to stop the harassment and deter its recurrence.

Any instances of racial discrimination or harassment by students toward other students constitutes a violation of Article 7.6 of the Code of Conduct and will result in appropriate sanctions. Any instances of racial discrimination or harassment by staff shall result in disciplinary action consistent with Superintendent's Circular #HRS-14 - Employee Discipline Procedures.

### **Retaliation Prohibited**

The Superintendent or his or her designee will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against, or attempts to retaliate against, any person who reports alleged racial or ethnic harassment or discrimination, files a complaint of racial or ethnic harassment or discrimination, or testifies, assists or participates in any investigation related to such harassment.

For more information about this circular, contact:

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Carol R. Johnson, Superintendent