

CIVIL RIGHTS AND NON-DISCRIMINATION TRAINING

Greater Lowell Technical High
School

2024-2025

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.

Key Point: 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 Pregnancy-Related Condition
- Retaliation
- Homelessness



Sex, Sexual Orientation, Gender Identify, Gender Expression.

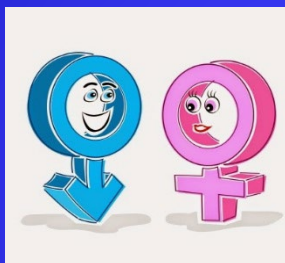
What does it all mean?

From: Tolerance.com



Sexual Orientation:

your physical, emotional, or romantic attraction to others.



Sex: is biological;

internal & external reproductive organs & sex chromosomes



Gender expression:

the way you show your gender to the world through your dress, actions, demeanor.



Gender Identity:

how you identify as being male, female, other.

Key Point: It is unlawful to discriminate against (or harass) an individual based on their sexual orientation, sex, or gender identity.

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 and 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
- School counseling, course registration and course instruction

Examples of Discrimination

- Issuing a student a lower grade because of their race
- Refusing to refer to a transgender student by their preferred pronoun.
- Refusing to promote a female employee or allow a female student access to educational programs because she is pregnant.
- Denying an individual training opportunities because they are disabled.
- Demoting an employee because they 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

SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION.

- Under state law and in the employment context, sexual harassment consists of sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term of an individual's advancement (quid pro quo harassment) ; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions; (3) such conduct interferes with an individual's job duties; (4) such conduct creates an intimidating, hostile, or offensive work environment.
- Under federal law and in the educational context, sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (1) an employee of the recipient of federal aid (i.e the school district) conditioning the provision of an aid, benefit, or service of the recipient on an individual's in unwelcome sexual conduct (i.e quid pro quo harassment) ; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; (3) sexual assault as defined in 20 U.S.C 1029(f)(6)(A)(v), dating violence as defined in 34 U.S.C 12291(a)(10), domestic violence as defined in 20 U.S.C 12291(a)(8) or stalking as defined in 34 U.S.C 12291 (a)(30).

Sexual harassment in the workplace and educational environment is unlawful. Also, 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.

REPORTING SEX DISCRIMINATION- TITLE IX

Anyone, not just the alleged victim, may report sex discrimination, including sexual harassment, to a school in any manner, i.e. by email, in person, by telephone, mail. This information, whether a formal complaint or report, is viewed as “actual notice” which requires a response by the school district.

Important note: Anyone includes but not limited to: parent, guardian, coach, teacher, co-worker, employee, student, vendor, bystander.

WHO AND WHERE TO REPORT ALLEGATIONS OF SEX DISCRIMINATION

As an employee, if a student or other person tells you of an allegation of sex discrimination, including sexual harassment or sexual assault, you must report it to the Director of School Counseling/Title IX Coordinator immediately. This holds true even if you do not know the allegation to be true.

EMPLOYEE REPORT OF SEX DISCRIMINATION

If you as an employee, become victim to sex discrimination, including sexual harassment or sexual assault, you must report the allegation to the Director of Human Resources

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 . programs or facilities.
- Instructional staff should familiarize themselves with individual student accommodations by clicking on the  icon in the *Details* section of X2. It is the responsibility of all educators to ensure 504 accommodations for students are met .

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 PREGNANCY-RELATED CONDITION

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.
11. Imagine what it would feel like to be in another person's situation.
12. Don't act on stereotypes or bias.

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
- 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 you know or have been reported to you concerning possible discrimination when you become aware of that conduct occurring within the school's education program or 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

■ School Counseling Dept.-

- Tracy Encarnacao, Director of School Counseling/Title IX Coordinator

Staff Complaints

■ Human Resource Office-

- Jeffrey Carlson, Director of Human Resources

Student/Staff Complaint

- Director of Student Counseling/Title IX Coordinator

Complaints investigated thoroughly and fairly (due process).

Information maintained confidentially to the extent practical.

If determined school policy was violated, the school 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
- Any person, including an employee, who becomes aware of an allegation of discrimination including sexual harassment or sexual assault whereby the alleged victim is a student, must report it to the Director of School Counseling/Title IX Coordinator. Allegations of discrimination including sexual harassment or sexual assault, whereby the alleged victim is an employee, must be reported to the Director of School Counseling.

Civil Rights-Sexual Harassment Training Confirmation

- Thank you for participating in this online training module.
- Your commitment to respect 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 School Counseling Department at ext. 4955.