



Superintendent's Circular

NUMBER:
EQT-02
Version 01

BIAS-BASED CONDUCT TOWARD STUDENTS, FAMILIES, OR OTHER THIRD PARTIES

This Circular will remain in effect unless rescinded or superseded by a subsequent version.

PURPOSE

The Boston Public Schools is committed to maintaining an environment free of bias and discrimination where all students can flourish, and all families are welcome and able to engage fully as partners in students' education.

The Boston Public Schools utilizes the procedures outlined in this circular to investigate and resolve reports of alleged violations of the district's nondiscrimination policy (see EQT-01) that are targeted at students, families, or other third parties. These procedures are designed to facilitate a prompt and effective internal review and resolution of allegations of bias-based conduct or discrimination based on race, color, age, disability, sex/gender, gender identity, religion, national origin, ancestry, retaliation, sexual orientation, genetics, natural or protective hairstyle, military status, or homelessness. The intent of these procedures is to ensure that, to the greatest extent possible, reports of bias-based conduct are resolved in a constructive manner.

Employees of the Boston Public Schools who become aware of any possible bias-based conduct toward or involving students must report the incident or concern to their school leader, supervisor, and/or the Office of Equity as soon as practicable, generally within the same school day. The same standard applies to partners or contractors providing services in or under the auspices of the Boston Public Schools.

COVERAGE

The procedures pertain solely to reports explicitly alleging bias-based conduct related to race, color, age, disability, sex/gender, gender identity, pregnancy, religion, national origin, ancestry, retaliation, sexual orientation, genetics, natural or protective hairstyle, military status, or homelessness. This applies to allegations of discrimination, harassment, or bias-based bullying in any activity under the auspices of the Boston Public Schools, including, but not limited to:

- Admission
- Provision and accessibility of programs and services
- Guidance practices
- Participation in sporting events or other extracurricular activities.

Examples of unacceptable conduct include treating students differently because of their membership in a protected group, such that the treatment interferes with or limits the student's ability to participate in or benefit from an educational opportunity or extracurricular program. Bias-based conduct also includes derogatory verbal, written, print, or digital

communication or conduct relating to a student's membership in a protected category. Any form of communication or physical action that creates an intimidating, threatening, or abusive educational environment will not be tolerated.

Such conduct may originate with students as well as employees and may also be caused by other persons who participate, observe, or otherwise engage in a district-sponsored activity. Behavior that occurs in a location other than a Boston Public Schools building or outside of BPS school or work hours may still constitute bias-based conduct and a violation of this policy if that behavior has the effect of disrupting a student's ability to learn.

Examples of inappropriate behavior toward students that may violate this policy include:

- Speaking or otherwise communicating derisively to or about a student or parent because of their membership in a protected group, such as their race, including the use of slurs
- Telling or digitally circulating jokes that are derisive toward members of a particular group, such as a student of a particular religious faith
- Using insulting nicknames for members of a protected group, such as a female student
- Refusing to allow students to participate in any activity because of their membership in a protected group, such as their sexual orientation, and in the absence of a legitimate nondiscriminatory reason for the refusal

- Disciplining a student more frequently or more harshly because of their membership in a protected group, such as their national origin
- Displaying pictures or taking any action that is derisive to any student based on their membership in a
- Refusal to use the gender identity affirming name and/or pronouns that a student has stated.

Students sometimes experience “microaggressions”: verbal or nonverbal communication that is rooted in implicit bias but does not rise to the level of a violation of this circular. Examples include:

- Mistaking one student for another because they share the same racial identity
- Complimenting a student for having a skill that is counter to a stereotype regarding their gender or ethnicity
- Assuming a student observes a particular religious holiday or has a particular sexual orientation
- Asking a student about their disability without their consent.

When microaggressions are reported to the Office of Equity, the Office will partner with the student, family, and appropriate school staff to determine an effective intervention, such as coaching, mediation, restorative justice, or individual, classroom, or school-wide instruction or training.

GENERAL POLICIES

1. Retaliation against any student, family member, or other third party for reporting or participating in any way in the reporting or investigative procedure is strictly prohibited.
2. Whenever possible, investigatory meetings will be scheduled during a mutually convenient time that does not conflict with regularly scheduled school programs.
3. Reporting a possible violation will not be construed as reflecting unfavorably on a student, family member, or other third party's good standing, academic performance, loyalty, or desirability to the Boston Public Schools.
4. Information regarding the allegations, including the parties involved in the report and the investigation, will be kept confidential to the extent practicable.
5. In determining whether the alleged conduct constitutes a violation of the BPS nondiscriminatory policy, the Superintendent or their 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. A determination whether a particular action or incident constitutes a violation of the policy will be based on all the facts.

PROCEDURES

I. Reports to School Leaders

Students, families, and other third parties are encouraged to report concerns regarding bias-based incidents of any kind to their school's principal or headmaster. It is advised to file this report as close to the time of the incident as possible, as matters are generally more easily resolved the sooner they are reported.

The principal or headmaster (or their designee) will attempt to work with the individual(s) to resolve the matter. They will contact the Office of Equity to ensure that any next steps are carried out in partnership with the Office of Equity and appropriately documented.

Students, families, or other third parties who do not wish to seek assistance from their school's principal or headmaster, or who are dissatisfied with the principal's or headmaster's attempt at resolution, may report their concerns directly to the Office of Equity. Nothing in this policy shall prevent a student, family member, or other third party from reporting a concern directly to the Office of Equity.

II. Reports to the Office of Equity

1. A member of the Office of Equity staff will ask the reporter for information regarding the incident(s) and may request that the reporter submit a written statement. The Office of Equity will ensure that assistance is provided in preparing such a written statement, if needed.

2. After a report is received, the Office of Equity will notify the appropriate school leader(s) and/or the individual about whom the report has been filed, as appropriate.
3. The Office of Equity will conduct a fair, impartial, thorough, and prompt review of the reported incident(s) and investigate as needed. Any investigation may include interviews with individuals who have pertinent information, and review of any documents or other information relevant to the investigation. BPS employees and students are obligated to cooperate with any Equity investigation, including promptly providing any requested information or documents.
4. The individual who reported alleged bias-based conduct and any subjects of the investigation will generally be informed when the investigation is complete and whether prohibited conduct was found. Depending on the facts gathered, the Office of Equity may resolve the concerns by applying approaches such as alternative dispute resolution, restorative justice, training, or coaching. In other instances, the results of the investigation may also be documented as written findings.
5. The Office of Equity will maintain records of all reports of bias-based conduct made to the Office of Equity, noting the school or department in which the alleged incident(s) occurred, the person accused, and the results of the investigation. The Office of Equity may review its records to identify any patterns and take appropriate action as necessary.

The Office of Equity will:

1. Take seriously all concerns regarding possible bias-based conduct.
2. Take necessary steps to end any conduct determined to be in violation of the district's nondiscrimination policy and prevent this conduct from recurring in the future.
3. Refer individuals found to have violated the district's nondiscrimination policy for disciplinary action when appropriate.

For employees, such action may include written warning, suspension, termination, or another action deemed appropriate under the circumstances. (For more information about Employee Discipline Procedures, please see Superintendent Circular HRS-PP10.)

For students, such action may include suspension, expulsion, or another action deemed appropriate under the circumstances. (For more information on student discipline, please see the Code of Discipline for Students and Students with Disabilities – Superintendent Circulars SUP-05 and SPE-15.)

4. Require students, employees, or other third parties found to violate the district's nondiscrimination policy to attend Equity protocols and/or bias prevention training, as appropriate.

STATE AND FEDERAL REMEDIES

Using the BPS Equity reporting process does not prohibit you from also filing a complaint with a state or federal agency. These agencies have a short time period for filing a claim (OCR – 180 days; DESE – within the same school year; MCAD – 300 days).

► *For incidents involving students' civil rights:*

United States Department of Education Office for Civil Rights (OCR)
John W. McCormack Post Office and Courthouse
5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109
(617) 289-0111

► *For concerns regarding students' equitable access to education:*

Massachusetts Department of Elementary and Secondary Education (DESE)
350 Main Street, Malden, MA 02108
(781) 388-3300

► *For concerns regarding civil rights related to food and nutrition (school-provided meals):*

U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW, Washington, DC 20250

► *For incidents regarding employees' civil rights:*

Massachusetts Commission Against Discrimination (MCAD)

Office Location:	Address:
Boston	One Ashburton Place, Room 601 Boston, MA 02108 (617) 994-6000
Springfield	436 Dwight Street, Suite 220 Springfield, MA 01103 (413) 739-2145
New Bedford	800 Purchase Street, Room 501 New Bedford, MA 02740 (508) 990-2390
Worcester	484 Main Street, Room 320 Worcester, MA 01608 (508) 453-9630

For more information about this circular, contact:

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Mary Skipper, Superintendent