



Superintendent's Circular

NUMBER:
EQT-05
Version 01

BIAS-BASED CONDUCT TOWARD EMPLOYEES

This Circular will remain in effect unless rescinded or superseded by a subsequent version.

PURPOSE

The Boston Public Schools is committed to maintaining a workplace free of bias-based conduct and discrimination where all employees can flourish.

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). These procedures are designed to facilitate a prompt and effective internal review and resolution of allegations of bias-based conduct, discrimination or harassment based on race, color, age, criminal record (inquiries only), disability, sex/gender, gender identity, religion, national origin, ancestry, retaliation, sexual orientation, genetics, natural or protective hairstyle, or military status. The intent of these procedures is to ensure that, to the greatest extent possible, such reports are addressed in a constructive manner.

COVERAGE

The procedures pertain solely to reports explicitly alleging bias-based conduct, discrimination, or harassment based on race,

color, age, criminal records (inquiries only), disability, pregnancy/pregnancy related conditions, sex/gender, gender identity, religion, national origin, ancestry, retaliation, sexual orientation, genetics, natural or protective hairstyle, or military status. Behavior that occurs in a location other than a Boston Public Schools building or outside of BPS school or work hours, including when an employee is working remotely, may still constitute bias-based misconduct and a violation of this policy if that behavior has the effect of disrupting an employee's ability to do their job.

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

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

GENERAL POLICIES

1. Employees in supervisory or managerial roles have an obligation to report possible violations of this circular.
2. Retaliation against any employee for reporting or participating in any way in the reporting or investigative procedures is strictly prohibited.
3. Whenever possible, investigatory meetings will be scheduled during a mutually convenient time that does not conflict with regularly scheduled school programs.
4. Reporting a possible violation will not be construed as reflecting unfavorably on an employee's or applicant's good standing, performance, loyalty, or desirability to the Boston Public Schools.
5. Information regarding the allegations, including the parties involved in the report and the investigation, will be kept confidential to the extent practicable.
6. In determining whether the alleged conduct constitutes a violation of the BPS nondiscrimination policy, the Superintendent or their designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties, and the context in which the incidents occurred. A determination whether a particular action or incident constitutes a violation of the policy will be based on all the facts.

PROCEDURES

1. An employee or applicant who believes they may have experienced, witnessed, or become aware of possible bias-based conduct must contact the Office of Equity by phone,

email, or fax. Employees are strongly encouraged to contact the Office of Equity as soon after the incident as possible, as reports are more easily addressed the sooner they are reported. 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. The Office of Equity accepts all reports of possible bias-based conduct but, depending on the circumstances, may decline to investigate allegations regarding incidents that occurred more than 300 calendar days prior to receipt of the report.

2. Employees in a supervisory capacity are required to report possible bias-based conduct toward or involving employees, vendors, or contractors to the Office of Equity as soon as practicable, generally within the same school day.
3. After a report is received, the Office of Equity will notify the appropriate department identified in the report and/or the individual against whom the report has been filed.
4. The Office of Equity will make a fair, impartial, thorough, and prompt investigation of the reported incident(s). The investigation may include interviews with individuals who have pertinent information and a review of any documents or other information relevant to the investigation. BPS employees are obligated to cooperate with any Equity investigation, including promptly providing any requested information or documents.
5. The individual who reported alleged bias-based conduct and any subjects of the investigation will be informed when the investigation is complete, and informed 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. Mediation will not be used in cases involving sexual assault.

6. If the Office of Equity finds that there is a preponderance of evidence to show that a violation of the district's nondiscrimination policy occurred, the office will determine ways to address the matter and prevent recurrences.
7. 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, prevent this conduct from recurring in the future, and remedy its effects, where appropriate.
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 discrimination prevention training, as appropriate.

STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to unlawful discrimination, you may file a formal complaint with either of the government agencies set forth below. Reporting a concern to the Office of Equity does not prohibit you from filing a complaint with these agencies. Each of the agencies has a time period of 300 days for filing a claim.

Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 660-4000

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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