

# CASE Collaborative Mandated Legal Training 2020-2021

Non-Discrimination,  
Civil Rights, and Harassment



# What is the district's policy on Non-Discrimination?

- CASE Collaborative is committed to ensuring that all of its programs and facilities are accessible to all students, staff and members of the public.
- CASE Collaborative does not discriminate on the basis of age, color, covered veteran status, disability, national origin, race, religion, sex or sexual orientation.
- CASE Collaborative will not tolerate any discrimination against or difference in treatment by or among employees, students, visitors, or others, based on these characteristics.

# What is Title IX?

- Title IX is part of the Education Amendments of 1972
- It states:

“No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid.”
- You can get more information at:

[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

# Non-Discrimination - Title IX

- Marcia Berkowitz, Assistant Director, serves as the CASE Collaborative's Title IX Coordinator.
- If you believe you have been harassed, or if you witness or learn about the harassment of another individual, you should inform your immediate supervisor or principal immediately. Your supervisor or principal will promptly investigate the complaint.
- If you do not wish to discuss the issue with your immediate supervisor or Program Administrator, you should inform the Assistant Director, Marcia Berkowitz at 978-318-1534 or [mberkowitz@casecollaborative.org](mailto:mberkowitz@casecollaborative.org).

# What is Title VI?

- Title VI is part of the 1964 Civil Rights Act
- It states:

“This Act prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.”
- You can get more information at:  
<https://www.justice.gov/crt/fcs/TitleVI-Overview>

# Reporting Requirements

- The Assistant Director, serves as the CASE Collaborative's Title VI coordinator.
- If you believe you have been discriminated against, or if you witness or learn about the discrimination of another individual, you should inform your immediate supervisor or principal immediately. Your supervisor or principal will promptly investigate the complaint.
- If you do not wish to discuss the issue with your immediate supervisor or Program Administrator, you should inform the Assistant Director.

# What is Title IX?

- Prohibits discrimination or harassment related to gender, including sexual harassment.

# Harassment

- CASE Collaborative expect all individuals – employees and students alike – to treat each other with dignity and respect.
- Harassment includes verbal or physical conduct that may or does offend, denigrate or belittle any individual.
- Such conduct includes showing pictures, telling jokes, making innuendos, vulgar gestures, or other behavior that creates an atmosphere of intolerance, bias, or intimidation.



# Sexual Harassment

- Sexual harassment creates a hostile environment due to inappropriate speech, materials, or actions.
- Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, or other conduct, physical or verbal, of a sexual nature.
- Sexual harassment interferes with school or work performance and creates an intimidating or offensive environment.

# Sexual Harassment

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.
- CASE Collaborative will investigate and respond as appropriate.

# Sexual Harassment

- Examples of prohibited activities that might create a hostile work/learning environment might include:
  - vulgar or explicit sexually related epithets, abusive language
  - sexually explicit behavior or indecent exposure by students or employees
  - graffiti, posters or calendars

# Reporting Requirements

- If you believe you have been sexually harassed, or if you witness or learn about the sexual harassment of another individual, you should inform your immediate supervisor or principal immediately. Your supervisor or principal will promptly investigate the complaint.

# Reporting Harassment

- If you do not want to discuss with your supervisor or Program Administrator, go directly to the Assistant Director
- Will conduct investigation or
  - May designate a member of the Administrative Team to conduct the investigation and/or hear the complaint
- CASE Collaborative will not tolerate any retaliation against any person who files a complaint or who cooperates in an investigation into possible harassment. The Assistant Director will take disciplinary action against any person who engages in unlawful retaliation.

# Reporting Harassment

- Inform the program administrator to start investigation process
  - Discussion will occur with all parties involved
  - Identification/questioning of witnesses
  - Come to a resolution/Outcome
- Outcome Possibilities:
  - Action taken to end the harassment
  - Action taken to insure harassment will not be repeated
  - Corrective actions may be taken
- Student as harasser
  - Investigation
  - Possible suspension or expulsion
  - Action taken to insure harassment will not be repeated

# Reporting Requirements

- If you do not wish to discuss the issue with your immediate supervisor or program administrator, you should inform the Assistant Director.

# Civil Rights: What is Section 504?

- Section 504 is part of the of the Rehabilitation Act of 1973 (the precursor of ADA)
  - Section 504 is “a civil rights law that prohibits discrimination against individuals with disabilities.”
  - Section 504 provides that "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ."
  - For more information go to:
    - <http://www.ed.gov/about/offices/list/ocr/504faq.html>



# Civil Rights: What is the Americans with Disabilities Act?

- Americans with Disabilities Act (ADA) was written in 1990
- The Americans with Disabilities Act (ADA) Amendments Act of 2008 - signed into law on September 25, 2008, effective January 1, 2009.
  - “prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.”
- For more information go to:  
<https://www.eeoc.gov/types/ada.html>

# How does the ADA define a disability?

- An individual with a disability is a person who:
  - Has a physical or mental impairment that substantially limits one or more major life activities;
  - Has a record of such an impairment; or
  - Is regarded as having such an impairment.

# What accommodations are required under ADA?

- Reasonable accommodation may include, but is not limited to:
  - Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
  - Job restructuring, modifying work schedules, reassignment to a vacant position;
  - Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

# What else can I do?

- Read the CASE Collaborative's Policy Against Harassment.
- The state agency responsible for enforcing the laws prohibiting harassment is the Massachusetts Commission Against Discrimination.
  - <http://www.mass.gov/mcad/>
- The federal agency responsible for enforcing federal laws prohibiting harassment is the Equal Employment Opportunity Commission.
  - <http://www.eeoc.gov/>

# How can I learn more?

## Resources:

- <http://www.infoplease.com/spot/civilrightstimeline1.html>
- <http://www.eeoc.gov/types/ada.html>
- <http://www.ed.gov/about/offices/list/ocr/504faq.html>
- <http://www.hhs.gov/ocr/>