

CASE Collaborative Mandated Legal Training 2023-2024

Non-Discrimination,
Civil Rights (Title VI), and Title IX



What is CASE'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, or gender identity.
- CASE Collaborative will not tolerate any discrimination against or difference in treatment by or among employees, students, visitors, or others, based on an individual's membership or perceived membership in a protected class.

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.

Reporting Harassment

- The Assistant Executive Director will begin the investigation process -
 - Supportive measures will be offered
 - Discussion will occur with all parties involved
 - Written notice will be provided to the parties if required
 - Identification/questioning of witnesses
 - Resolution/outcome including corrective action or disciplinary consequences if warranted

What is Title IX?

- Federal law prohibiting discrimination or harassment related to gender, including sexual harassment.
- Sexual harassment is unwelcome conduct of a sexual nature, or other unwelcome conduct on the basis of sex, as determined by a reasonable person to be so severe, pervasive, and offensive that it effectively denies a person's equal access to education.

Prohibited Behavior

Quid Pro Quo: An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity.

Sexual assault as defined by the **Clery Act**, dating violence, domestic violence, stalking.

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 Sexual Harassment

- **Melissa Devine, Assistant Executive Director, serves as the CASE Collaborative's Title IX Coordinator, 978-318-1534, mdevine@casecollaborative.org**
- 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 report this information to the Title IX Coordinator.

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.”

Reporting Requirements

- **The Assistant Executive Director, Melissa Devine, 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 promptly report the information to the Title VI coordinator.
- If you do not wish to discuss the issue with your immediate supervisor or Program Administrator, you should inform the Assistant Executive Director.

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 . . ."

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.”

Who is a person with 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/>

Retaliation Is Prohibited

CASE Collaborative will not tolerate any retaliation against any person who files a complaint or who cooperates in an investigation into possible harassment or discrimination.

CASE will take disciplinary action against any person who engages in unlawful retaliation.

How can I learn more?

Resources:

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