

Hate Speech Policy

The Public Schools of Brookline (PSB) condemn any use of hate speech that vilifies, humiliates, or incites violence. This policy covers both staff and students of the PSB.

1. Definition: Hate speech, whether explicit or implicit, plain or subtle, intentional or unintentional, is a pejorative communication, in speech, gesture, illustration, or writing, that at its root expresses prejudice on the basis of ethnicity, race, religion, nationality, sexual orientation, gender identity, disability, or other like grouping. While often employed to incite violence or an escalated response, intention to provoke is not a prerequisite for a communication to be considered hate speech.

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a. Examples:

- i. statements that intentionally promote bias and/or incite violence against any racial, ethnic, -religious, sexual minority or national origin group;
- ii. ~~epithets derogatory epithets associated with hatred that target any such group (e.g., homosexual pejoratives)~~ (e.g., n word, homosexual pejoratives, terrorist, retard, etc.)
- iii. ~~symbols, slogans that demonstrate hostility and/or gross insensitivity (e.g., "You will not replace us," "Blood and soil," "From the river to the sea..." etc.)~~
- iv. ~~drawings, photographs, graffiti, logos, or other imagery made publicly visible and/or disseminated that represent hatred and/or prejudice (e.g., a blood drop cross); and (e.g., swastika, blood drop cross, noose, etc.)~~
- v. ~~hateful gestures (e.g., a Nazi salute) (e.g., Nazi salute, pulling eyes outward into a slanted position, etc.)~~

Commented [SE1]: This is too broad.

b. Education ExceptionExceptions: Use of what would ordinarily be treated as hate speech is narrowly permissible in:

- i. an instructional or ~~remedial~~ therapeutic setting for purposes of identifying material as hate speech and/or remedying its negative consequences, ~~and~~ or
- ii. teacher-led discussions or assignments in which a statement, epithet, symbol, or gesture is studied within its context (e.g., contextually-appropriate academic settings (e.g., swastikas in Buddhist art, Confederate flags in a Civil War social studies lesson).

The task of defining hate speech is difficult because it is often subjective, with cases on which reasonable people can disagree (e.g., the use of epithets in a self-deprecating, familiar, or reappropriated manner among people who identify with the group against whom the epithet has been used). The examples above are therefore not intended as an exhaustive list but as clear cases that necessarily would trigger the response below.

ii. —, pejorative epithets in classic literature, etc.)

2. **Response:** The superintendent or designee(s) shall develop clear protocols to address reported instances of hate speech involving members of the PSB community, wherever they may occur, and prepare an annual written report to publicly present to School Committee. These protocols shall include both an intuitive, user-friendly reporting mechanism for all members of the PSB community, as well as a system of remediation that may involve administrators, guidance counselors, classroom teachers, and other staff or outside resources. The protocols shall be updated biennially, in concert with those promulgated in accordance with the PSB Anti-Bullying, Anti-Harassment, and Code of Conduct policies where state law requires robust reporting mechanisms, student support systems, and training for administrators and staff.
 - a. **Reporting:** An annual written report shall be produced cataloguing at a minimum (1) the number of hate speech incidents by category, (2) position of the alleged perpetrator (student or staff, grade level), (3) individual/group targeted, (4) grade level of victim, (5) school, and (6) the broad method of remediation. This report shall be publicly presented to the School Committee at least once by June 20 of each academic year. Individually identifying information about the alleged perpetrator and alleged victim(s) shall be excluded. The purpose of this annual report is to assist the district and School Committee in tracking hate speech incidents to better understand their scope and promulgate more effective procedures to ensure the safety and social-emotional well-being of our school communities.
 - b. **Remediation:** recognizing that hate speech can range from intentional to unintentional, with varying degrees of scope and severity, district responses shall be tailored to the context of each individual situation and the ages and circumstances of those impacted. While remediation may include a disciplinary response, the goals are always to educate and promote the general welfare. Remediation shall align with the PSB Code of Conduct.
3. **Effective Dates:** The definition of hate speech shall take effect immediately upon passage of this policy by the School Committee. The protocols and annual report provisions shall take effect at the start of the 2024-2025 school year.

Nothing in this policy shall be construed to limit the reporting requirements and protections against hate incidents already guaranteed under applicable state and federal law. The Massachusetts Anti-Bullying Law (G.L. c. 71, § 37O), Student Anti-Discrimination Act (G.L. c. 76 § 5), and Title VI of the federal Civil Rights Act require schools to take affirmative measures to prevent bias-related bullying and harassment by students, and to respond meaningfully when such misconduct occurs. Notably, a school district's obligation to protect a student from a hostile school environment extends beyond addressing hate incidents that occur on school grounds or during school-sponsored activities.¹

¹ Massachusetts Attorney General's Office Guidance on Schools' Legal Obligations to Prevent and Address Hate and Bias Incidents. 2019.