

Hate Speech Prevention Policy

In December 2023, the Commonwealth of Massachusetts Office of the Attorney General released guidance on schools' legal obligations to prevent and address hate and bias incidents, stating,

“Schools cannot wait until after a hate incident has occurred to take action. State law and DESE regulations require schools to take affirmative steps to create a positive school climate where all students feel safe, supported, and respected, and to implement rules, policies, and procedures to combat bullying and harassment. Schools that neglect these obligations risk creating an environment in which hate incidents are more likely to occur and are more difficult to address.”

The Public Schools of Brookline’s (PSB) hate speech prevention policy aims to follow state guidance to take a proactive approach to fostering a “safe, supportive, and inclusive educational environment,” in complementarity with PSB’s bullying, discrimination, and harassment policies.

~~The Public Schools of Brookline (PSB) prioritizes a safe, inclusive environment where diversity is celebrated, and hate has no place. We endeavor to create a school environment where speech or expression that denigrates a person or persons on the basis of (alleged) membership in a social group identified by attributes such as race, ethnicity, gender, sexual orientation, religion, age, physical or mental disability, and others, is not tolerated. Further, PSB~~This policy reinforces our dedication to creating a community where every individual feels respected and supported through collective action in the following manners: vigilance, investigation, education, and data reporting.—

~~This policy~~It applies to all persons employed by, attending, or otherwise affiliated with the Public Schools of Brookline, including volunteers, interns, and partnering organizations.

Formatted: Space Before: 0.8 line, After: 0.8 line

The hate speech prevention policy 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.

1. Definition: Hate speech, whether explicit or implicit, plain or subtle, intentional or unintentional, is a pejorative communication, in speech, gesture, illustration, writing and/or any form of electronic communication that, at its root, expresses prejudice or hate on the basis of ethnicity, race, religion, nationality, sexual orientation, gender identity, disability, or other like grouping. -Such expression does not necessarily -result in unequal treatment based on protected class, may be a singular instance and might be expressed in a non-threatening manner.—
2. Examples:
 - a. ~~Typical h~~Hate speech typically involves epithets, slurs, statements that promote bias and/or ~~malicious~~ stereotypes (for example: “Jews control the world” or use of the N-word)

b. ~~Typical~~ Hate speech typically is intended to express and/or incite hatred on the basis of a person or persons' membership in a protected class (for example: "I hate ~~transsexuals~~ transgender people")

~~e. Hate speech may or may not include canards that propagate a sensationalized or hateful misrepresentation of the group's membership (for example: Muslims or Arabs as terrorists)~~

~~d. Hate speech may or may not include nonverbal depictions and symbols, as well as drawings, photographs, graffiti, logos, or other imagery made publicly visible (for example: the Nazi swastika or salute, or the Confederate Battle Flag)~~

3. Education Exceptions: Use of what would ordinarily be treated as hate speech ~~is~~ may be narrowly permissible ~~in:~~

a. in an instructional or remedial therapeutic setting for purposes of identifying material as hate speech and/or remedying its negative consequences, ~~and; or;~~

b. in teacher-led discussions or assignments in which ~~above-defined hate speech statement, epithet, symbol, or gesture~~ is studied, either within its historical context(s) ~~or as hate speech within its context itself (e.g., contextually appropriate academic settings)~~ (e.g. classroom discussions of swastikas in Nazi Germany, or their ancient use as religious symbols; or their contemporary use by white supremacist organizations in Buddhist art, Confederate flags in a Civil War social studies lesson); or

c. by and to people who identify with the group against whom the specific hate speech is typically directed, when uttered in a self-deprecating, familiar, friendly, or reappropriated manner (e.g., the use of a colloquial version of the N-word in African American Vernacular English).

~~b. —~~

4. Vigilance: The Public Schools of Brookline promote and encourage the consistent reporting of hate speech incidents ~~, even if addressed in the classroom,~~ as a means of prevention. ~~PSB will develop a user-friendly mechanism for reporting incidents of hate speech, and will ensure its broad promotion throughout schools and its accessibility to administrators, educators, students, and their families and caregivers. The "mandated reporter" approach should be applied using a reporting mechanism explicitly identified by the District. In other words, if one becomes aware of any hate speech, it should be reported. This reporting mechanism will be made publicly available in PSB communications at least biannually. This reporting mechanism will be easily identifiable on the PSB website. This reporting mechanism will be posted publicly in each school administration building's entranceway.~~

5. Investigation: The Public Schools of Brookline ~~assert that all reports of hate speech using the aforementioned mechanism will be~~ investigate all reports of hate speech thoroughly in accordance with existing bullying reporting procedures (Section J). ~~Each member of the school community is responsible for cooperating with the PSB's investigation of reports or complaints~~

Commented [SE1]: This is duplicative of "stereotypes" in (b)

Formatted: Font: Italic

Formatted: No bullets or numbering

Commented [SE2]: There is no honor code at BHS and this would run against existing culture.

of violations of this Policy and with the PSB's efforts to prevent, respond effectively to, and eliminate any such conduct.

6. Education: Annual training in preventing, identifying, responding to, and reporting hate speech will be provided for all school employees. Staff training for those responsible for investigating incidents of hate speech and oversight of this policy will include training to distinguish between acceptable speech and expression and hate speech. ~~PSB affirms its commitment to the development of critical thinking skills as the foundation of distinguishing between acceptable and hate speech. Age-appropriate, evidence-based instruction on hate speech prevention shall be incorporated into the curriculum for all pre-K to 12 students.~~

7. Data Reporting: All reported incidents will be logged in a District database. The District shall prepare annually a written catalog of reported hate speech incident data to the School Committee at least once by June 20 of each academic year. ~~The data shall include, but not be limited to: (i) the number of reported allegations of hate speech aggregated by protected class and by school; (ii) the number and nature of substantiated incidents of hate speech aggregated by protected class and by school; (iii) the number of students disciplined engaged in restorative justice practices or disciplined for engaging in hate speech aggregated by protected class and by school; and (iv) any other pertinent information requested by members of the School Committee. 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.~~

~~7.8. 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.~~

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