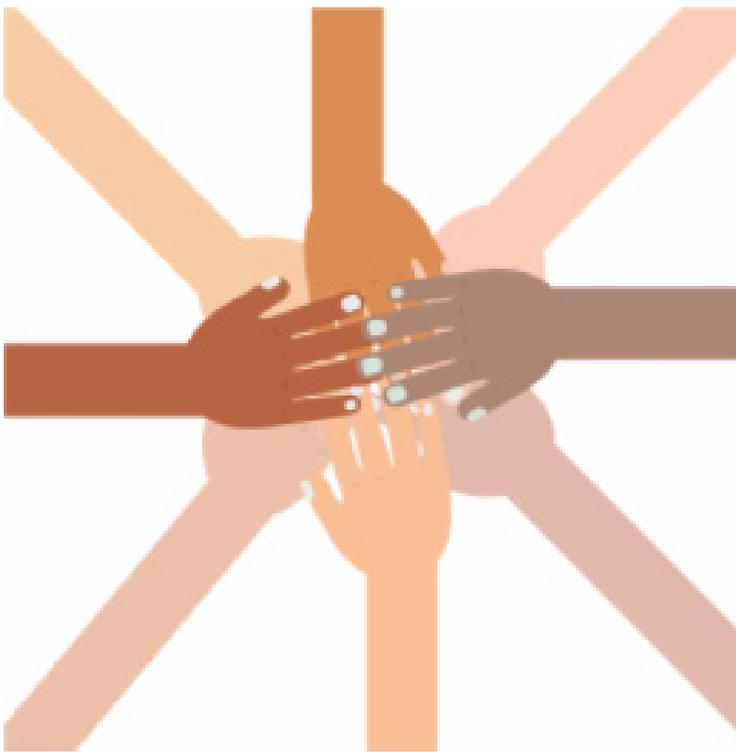


# RESPONDING TO RACIAL JUSTICE ISSUES:

*PART OF A SERIES OF PROJECTS TO ADDRESS RACIAL AND  
SOCIAL JUSTICE EQUITY IN EDUCATION*



## **RACIAL JUSTICE IN SCHOOLS**

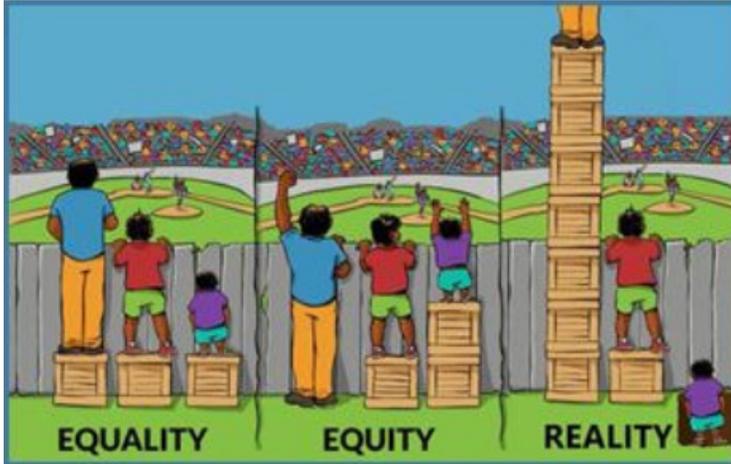
Advances inclusion, equity, and racial and social justice creating a safe place for ALL to learn.

## **MEA BELIEVES**

We make the future— parents and teachers, Black, white, and brown and we can make every neighborhood public school a place where all children can learn, grow, and thrive.

## **TOGETHER WE CAN**

Rewrite the rules to ensure every school has the materials, up-to-date strategies, healthy meals, after-school programs, and emotional support to set kids up to be all that they dream.



The purpose of this document is to help MEA UniServ Directors and local leaders deal with issues where members have been caught in the middle of the tug of war between doing what's equitable for ALL students and staff and doing what has been comfortable.

MEA believes our public schools should be safe places for ALL to learn and work, and this document will help members better understand how to address these issues while also explaining their legal rights.

## **SUPPORTING MEMBERS**

From resources on what to do if you or a student experiences discrimination to lesson plans to incorporate equity and more.

## **ACTION CHECKLIST**

When you decide to incorporate racial justice and equity issues in your lesson plans, follow these steps.

## **UNDERSTANDING THE LAW**

Understanding your legal rights will help you learn what you can and can't say within the guidelines of the law.

## **ADDITIONAL RESOURCES**

MEA compiled additional resources to help support your growth and learning in this area.

# SUPPORTING MEMBERS

WHILE WE FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

“

*The most important thing to remember is it is never a bad idea to do the right thing.”*



While division has separated some of the nation, in our public schools it is our job to ensure students are treated equitably so they can ALL receive a public education—it is the cornerstone of our democracy and as educators, we have a great responsibility to uphold those values.

As more and more teachers try to address issues of racial inequity in their [lessons](#), there has been some [backlash](#). Especially in an era where a significant amount of teaching is done remotely and over the internet, it is very easy for something a teacher says to be taken out of context and exploited.

When the unfortunate happens, and members are caught in the middle, MEA is here to support and defend the members. The initial point of contact for the local president should always be the local UniServ Director (UD). UD's have access to many professional resources to support your work. Additionally, this document and NEA resources cited at the end of this page can help.

# SUPPORTING MEMBERS

## WHILE WE FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

The most important thing to remember is it is never a bad idea to do the right thing, and we are here to help you do the right thing in your work. There IS such a thing as “[good trouble](#).” It can seem when you’re in the middle of a storm that there is no way out, but MEA is here to help guide you to calmer waters.

If you decide to take on these issues, be sure not to run afoul of your district’s curriculum mandates. The [Maine Education Association](#), the [National Education Association](#), and the Maine Department of Education all have numerous [resources](#) for educators, including [Teaching While White](#)\*; [Teaching Tolerance](#)\* has a lot of lesson plans, student texts, and teaching strategies; and a [toolkit](#)\* from the Chicago Public Schools for discussions about race and civil disobedience.

The MEA Human and Civil Rights and Social Justice Committee (HCRSJ) looks specifically at racial justice issues and helps to identify resources for Maine educators that can help.

The HCRSJ’s top priority is: Identity members’ needs in order to ensure MEA is promoting and supporting social and racial justice in our schools and on our campuses, for educators and for students.

When someone—a parent or administrator or board member—objects to teaching racial justice within your curriculum, consider this powerful [open letter](#)\* written by an 8th grade teacher to an objector. The key takeaways: acknowledge their fears, bring the conversation back to how teachers prepare students for life not just the next test, and keep your cool.

If your district does not currently have a curriculum in place to address racial justice issues, contact MEA for help running a campaign to get your school board and administration to adopt one.

## RESOURCES

### Equity Lesson Plans

<https://bit.ly/2Nj1BmU>

### NEA Resources

<https://neaedjustice.org/racial-justice-is-education-justice/>

### Teaching While White

<https://www.teachingwhilewhite.org/>

### Teaching Tolerance

<https://www.learningforjustice.org/classroom-resources>

### Chicago Public Schools Toolkit

<http://bit.ly/3pnPbHX>

### 8th Grade Open Letter

<http://bit.ly/3rTn2tX>

# WHAT TO DO IF YOU OR YOUR STUDENTS EXPERIENCE DISCRIMINATION

## **SPEAK UP!**

If it has happened to you, it may or could happen to someone else. Keeping quiet will only allow this bad behavior to continue.

## **CONTACT YOUR BUILDING REPRESENTATIVE OR UNION REP**

This person can help you to understand what your options are. They also can connect you with the resources available to you. It is important for your president to be aware as they can also keep track of trends of behavior by certain individuals to determine how pervasive the issue is. It is possible that you are not the only one who has been treated in this way. Regardless, of the depth, your union can help you! Your union can help to expose your treatment/experiences so that your situation is not shoved in the corner.

## **DOCUMENT THE DETAILS IMMEDIATELY**

When, where, what was said/done, who was there to witness the discrimination. If you have brought the situation to the attention of your administrator and they have not addressed it, you may be able to file a grievance.

## **TALK TO YOUR ADMINISTRATOR /AFFIRMATIVE ACTION COORDINATOR TO FILE A COMPLAINT**

Your voice will make a difference, don't be afraid to use it and bring your union rep with you.

## **FILE A COMPLAINT WITH THE HUMAN RIGHTS COMMISSION**

The Human Rights Commission takes all complaints seriously and any person who believes that he or she has been subjected to unlawful discrimination covered under the Maine Human Rights Act may file a complaint with the Commission.

# ACTION CHECKLIST

## FOR MEMBERS FOCUSING ON RACIAL EQUITY IN OUR SCHOOLS

- 1. Make sure you are following district curriculum directives.**

It is difficult for a district to impose discipline when you are following the policy and curriculum they approved and provided. You want to make it easy for Administration to support you.
- 2. Make sure you are following district policy on remote learning (if applicable) or in-class instruction.**

Do not give anyone any tangential reason to say you did something wrong. You know this will be controversial with some people; do not give them any extra ammunition.
- 3. Use resources approved by your district and the Maine Department of Education.**

This is where you are safest. Do not give anyone the opportunity to say you are using unauthorized material.
- 4. Expect pushback.**

Not everyone is in the same place on these issues; that's why they need to be discussed. Prepare in advance for what may be coming.
- 5. Keep your cool.**

This is hard when people may be trying to drag you through the mud. If they try to provoke a reaction out of you, don't give in to temptation and tell them what you really think, especially online.
- 6. Document instances of cyberbullying, if you experience it.**

Also, document examples of in-person bullying if you experience that. Take screenshots-lots of people delete their comments once they are called out for it. Write down hurtful in-person conversations you have as soon as you can; note the date, time, place, and people involved.
- 7. Look at pushback as an opportunity to have an impactful conversation.**

Listen to the other person's point of view and try to connect their values to the lesson you are teaching.
- 8. Remember you are not in this alone.**

It can feel pretty isolating to be the target of an online viral attack. MEA is here to support you, and there are people in your local who will help you through any difficult time. Contact your local president. Contact your UniServ Director. They can put you in touch with people who have additional expertise if you need it.
- 9. Your job is to prepare your students for life, not just the next test.**

Issues of racial justice are everywhere in our society. Students will likely have to interact with people who are different from them at some point in their lives and they need to be prepared to be respectful and understand how their words and actions are seen by others.
- 10. Remember you are doing the right thing.**

You fight ignorance with knowledge. You fight hate with love. You fight intolerance with acceptance and understanding.

# UNDERSTANDING THE LAW

AS YOU FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

## THE LAW

A number of laws prohibit employers from treating a person differently or badly with respect to employment decisions because of a protected characteristic, including race, color, national origin, religion, gender (including pregnancy), disability, age (if the employee is at least 40 years old), and citizenship status. This is called **discrimination** and it is illegal.

To **discriminate** against someone means to treat that person differently, or less favorably, because of some characteristic. In employment law, it is illegal to discriminate against a person based upon a protected characteristic and an employer cannot rely upon those traits when making decisions that affect that person's terms or conditions of employment such as: Hiring; Firing; Job advertisements and recruitment; Compensation and Pay; Job Assignments; Promotions; Layoff; Training; and Fringe Benefits. Illegal harassment exists when it is based upon a protected characteristic AND so frequent or severe that it creates a hostile or offensive work environment that results in a change to the terms and conditions of employment (such as termination or demotion).

However, the law does not prohibit simple teasing or even bullying (workplace bullying is not illegal unless it also constitutes discrimination and/or harassment depending upon whether the bullying is based on a protected characteristic).

While the law does not prohibit simple teasing, offhand comments, or isolated incidents, harassment is prohibited when it is so frequent or severe that it creates a hostile or offensive work environment that results in a change to the terms and conditions of employment (such as termination or demotion). Not all types of discrimination violate federal and/or state laws that prohibit discrimination. Some types of unequal treatment are perfectly legal and cannot form the basis for a lawsuit alleging discrimination, for example, discrimination based on weight. This is why it is important to talk to your association to see if there is another way to address the treatment that you have been subjected to.

Discrimination is not: different treatment due to personality differences or conflicts; general treatment not based on a protected characteristic; different treatment or rewards based on differing levels of productivity; responses or changes to employment-based on poor performance; different treatment to meet the special needs of certain individuals, such as accommodations for disabled employees; Bullying (workplace bullying is not illegal unless it also constitutes discrimination and/or harassment depending upon whether the bullying is based on a protected characteristic); or different treatment based on individual merit, such as talent, skills, and other qualifications.

# UNDERSTANDING THE LAW

## AS YOU FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

### IDENTIFYING DISCRIMINATION

Not all discrimination is overt. Discrimination can take the form of seemingly innocent banter, jokes or through the use of stereotypes. It does not matter that: the person did not intend to be offensive; “Everyone laughed”; or the comments were not directed to the person who was offended. The only thing that matters in the context of employment laws is the impact of the behavior on the person who the comments were directed at. The following kinds of behavior are absolutely prohibited: Abusing an employee through epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to a protected characteristic, even if the person undertaking claims that he or she is “only joking” or did not mean to be offensive and; written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of a protected characteristic. This can include material transmitted via Facebook, e-mail, text messages, social media or any other electronic media.

### CONFRONT

The first step an employee can take in trying to stop offensive behavior is to confront the person who is being offensive. Confronting the harasser also helps prove important legal facts. For example, in a harassment case the employee complaining of harassment must prove that the behavior to which they were subjected was unwelcome: in other words, that the employee did not like the behavior and did not participate in it willingly in case the offender claims that the victim laughed at his or her jokes or otherwise was not offended by the behavior. The best way an employee can prove that the behavior was unwelcome is to show that they told the harasser the behavior was offensive.

### DOCUMENT

An employee should keep a record of what happened that includes each incident and the time, place, and witnesses of each incident. If able, an employee should ask co-workers who witnessed the harassing or discriminatory behavior to write down what they saw. Each record should be as detailed as possible so that someone reviewing it later has a clear picture of the offensive behavior. An employee should also keep a file of any documents that they were given, such as performance reviews or disciplinary notices.

In addition to keeping a record of the offending behavior, an employee should also document all meetings with the employer—including managers and human resources personnel. An employee should take note of who attended each meeting, when and where the meeting occurred, what was said, and what conclusions were reached.

### COMPLAIN

An employee who has been subjected to harassment and/or discrimination should file a complaint with the employer as soon as possible while also contacting their union for help with their discrimination claims.

# UNDERSTANDING THE LAW

## AS YOU FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

### FILE A COMPLAINT

In addition to filing a complaint with the employer, the employee should consider contacting legal counsel for advice. If an employee was an active member of the union at the time of the discriminatory or harassing incident, the union should contact the MEA Legal Services Department on the individual's behalf for a case evaluation in order to determine if a complaint should be filed with the Maine Human Rights Commission/Equal Employment Opportunity Commission.

The Legal Services Department will be able to evaluate the employee's case based on the specific facts and circumstances. An attorney will also be able to keep the employee informed of any deadlines that have to be met in order to move forward with a lawsuit. In Maine an employee has 300 days from the date of the discriminatory incident in order to file a complaint.

An individual must file a complaint with the Maine Human Rights Commission in order to have the alleged acts of discrimination investigated, and this can be done with or without an attorney, and with or without the help of the union. Unless an attorney has been hired, it remains the responsibility of the employee to file a complaint within 300 days of the discriminatory incident in order to be able to pursue the claim in court at a later time after the MHRC has investigated the alleged discrimination.

The complaint of discrimination can be filed online at:

<https://mainehumanrightscommission.formstack.com/forms/intake>

### YOU CANNOT BE PENALIZED FOR FILING A COMPLAINT

It is against the law for an employer to retaliate against you because you filed a complaint of discrimination or because you helped in an investigation. You may file a complaint of retaliation if you believe that your employer has taken such action against you. When the Commission receives your signed Complaint of Discrimination, a Case Number is assigned, and the employer is provided with a copy of your complaint along with a Request for Information and Documents. You will receive a copy of the material that is sent to the employer and they generally have one month to respond to the allegations. A copy of the employer's Answers will be sent to you after they are received by the Commission. You will then have the opportunity to review and provide a written response that shows that the reason(s) given by the employer for its action(s) is not accurate or does not respond to your allegations of discrimination.

# ADDITIONAL RESOURCES

AS YOU FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

## ADDITIONAL READING MATERIALS

[Curated by Harvard Kennedy School of Government](#)

### **“How to Be An Anti-Racist”**

Ibram X Kendi's concept of antiracism reenergizes and reshapes the conversation about racial justice in America - but even more fundamentally, points us toward liberating new ways of thinking about ourselves and each other. Instead of working with the policies and system, we have in place, Kendi asks us to think about what an antiracist society might look like, and how we can play an active role in building it.

*Citation: Kendi, Ibram X. How to Be an Antiracist. New York: One World, 2019.*

### **“Courageous Conversations About Race”**

Glenn Singleton explains the need for candid, courageous conversations about race so that educators may understand why student disengagement and achievement inequality persist and learn how they can develop a curriculum that promotes true educational equity and excellence.

*Citation: Singleton, Glenn. Courageous Conversations about Race: A Field Guide for Achieving Equity in Schools. Los Angeles: Corwin, 2015.*

### **“White Fragility”**

Referring to the defensive moves that white people make when challenged racially, white fragility is characterized by emotions such as anger, fear, and guilt, and by behaviors including argumentation and silence. These behaviors, in turn, function to reinstate white racial equilibrium and prevent any meaningful cross-racial dialogue. In this in-depth exploration, Robin DiAngelo examines how white fragility develops, how it protects racial inequality, and what we can do to engage more constructively.

*Citation: DiAngelo, Robin. White Fragility: Why It's So Hard for White People to Talk About Racism. Boston: Beacon Press, 2018.*

### **“Why Are All the Black Kids Sitting Together in the Cafeteria?”**

Walk into any racially mixed high school and you will see Black, white, and Latino youth clustered in their own groups. Is this self-segregation a problem to address or a coping strategy? Beverly Daniel Tatum, a renowned authority on the psychology of racism, argues that straight talk about our racial identities is essential if we are serious about enabling communication across racial and ethnic divides.

*Citation: Tatum, Beverly Daniel. Why Are All the Black Kids Sitting Together in the Cafeteria?: And Other Conversations about Race. New York: Basic Books, 2003.*

# ADDITIONAL RESOURCES

AS YOU FOCUS ON RACIAL EQUITY IN OUR SCHOOLS

## CONTINUED

### **“The Fire Next Time”**

At once a powerful evocation of James Baldwin’s early life in Harlem and a disturbing examination of the consequences of racial injustice, the book is an intensely personal and provocative document. It consists of two “letters,” written on the occasion of the centennial of the Emancipation Proclamation, that exhort Americans, both Black and white, to attack the terrible legacy of racism.

*Citation: Baldwin, James. The Fire Next Time. New York: Vintage, 1992.*

### **“How to Be Less Stupid About Race”**

Crystal Fleming provides your essential guide to breaking through the half-truths and ridiculous misconceptions that have thoroughly corrupted the way race is represented in the classroom, pop culture, media, and politics.

*Citation: Fleming, Crystal. How to Be Less Stupid About Race: On Racism, White Supremacy, and the Racial Divide. New York: Penguin Random House, 2019.*

### **“Don’t Understand the Protests? What You’re Seeing Is People Pushed to the Edge”**

[Op-Ed](#) by Kareem Abdul-Jabbar

### **“Why It’s So Hard to Talk to White People About Racism”**

[Article](#) by Dr. Robin Di Angelo