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**PRESS RELEASE: Victory at Stoughton**  
***School District Required to Withdraw Punishment Against Teacher Who Stood Up Against Anti-Semitism***

**Washington, D.C., May 18:** For over a year, three teachers at Stoughton High School have suffered from disciplinary measures for standing up against anti-Semitism in the school. Last week, in a case challenging the school district's actions, an arbitrator rightly determined that the discipline taken against one of the teachers, Ms. Jaime Regan, was without just cause and required the school district to "immediately remove the letter of reprimand from Ms. Regan's personnel records and purge all reference to the letter of reprimand" from her file. The Louis D. Brandeis Center for Human Rights Under Law (LDB) worked directly with Ms. Regan and the other teachers and advocated on their behalf in this case, which was brought by the Stoughton Teachers Association. LDB is a national, non-profit civil rights organization committed to combating anti-Semitism.

"The arbitrator made the right decision," stated LDB's Senior Civil Rights Legal Fellow Jennie Gross. "Public schools cannot silence teachers for condemning anti-Semitism – it sends an awful message to the students and entire community that the school district will tolerate anti-Semitism but punish those who condemn it."

Ms. Gross explains, "The punishment against Ms. Regan arose from charges brought by the mother of a student that flaunted a swastika and engaged in hate speech. In a ham-handed attempt to appease the mother of the offending student, the school district disciplined Ms. Regan for violating a district rule that simply does not exist, and in violation of the First Amendment. Moreover, the allegations against Ms. Regan were unsupported by the record. The punishment was based on 'factual conclusions' made by a defense attorney hired by the school district to investigate the charges brought by the mother. Those conclusions were never supported by the record of the investigation itself. Fortunately, the arbitrator looked closely at the facts and the law and recognized that the punishment cannot stand."

The situation stems back to November of 2016, when a then-Stoughton High School senior ("John Doe") posted a swastika on the school's "Spirit Wall." When other students asked him to remove the swastika – including a Jewish student, as the other students pointed out – John Doe responded, "well, just burn it like they did to the Jews." John Doe served a six-day suspension for his actions.

As news of the incident spread throughout the school, John Doe's mother brought charges of bullying against Ms. Regan and the other teachers, claiming, among other things, that the teachers were openly condemning John Doe to others, including students. But even John Doe's mother did not say that Ms. Regan was openly gossiping about her son. Instead, her complaint about Ms. Regan was that Ms. Regan had asked to have John Doe removed from her class on the Holocaust – a class where a Holocaust survivor would soon be coming to speak. Ms. Regan felt that the presence of a student that

flaunted a swastika and joked about the burning of Jews in ovens would be disruptive and distracting in a class about the Holocaust. Ultimately, the school principal granted Ms. Regan's request, and removed John Doe from the class. It is undisputed that Ms. Regan never spoke to John Doe about the issue, never asked him to leave the class, and never discussed John Doe or the incident with her class.

Unable to punish Ms. Regan for "bullying" John Doe – there was absolutely no support for such a claim – Regina Ryan, the risk-management attorney hired by the district to investigate the bullying claim, instead determined that Ms. Regan should be punished for "pulling a student aside during class to make inquiry about the discipline that was imposed on another student" and "unnecessary communications with colleagues" about John Doe and his punishment. Ryan did not identify a provision of the employee handbook that these acts violated, but argued that this conduct was "unprofessional," "unbecoming a teacher," and contrary to "providing an educational climate that is conducive to student engagement and learning."

The arbitrator clearly held that the record did not support Ryan's conclusions:

Despite these negative characterizations of Ms. Regan's conduct, the School Department does not identify any rule or standard that Ms. Regan violated, apart from the general statement of commitment to an educational climate conducive to student engagement and learning. There is no proscription identified against a teacher inquiring of one student about the well-being of another, or expressing an opinion about a well-known incident that has taken place in the school, or of discussing a student with colleagues outside of the presence of students . . . teachers' inquiring about the well-being of other students, as well as similar lunch room discussions, were common. . . . [T]he record does not support that Ms. Regan revealed any confidential information about the student to either another student or to a faculty member.

The arbitrator's decision sends the proper message to the Stoughton community. We must protect the important First Amendment right of speaking out against hate.

The arbitration against Ms. Hilary Moll is ongoing. Ms. Moll was unfairly disciplined – including suspension without pay – following John Doe's mother's accusation that Ms. Moll also bullied her son. Ms. Moll withdrew a letter of recommendation for John Doe. When asked by the college why she withdrew the letter, Ms. Moll stated, without detail, that John Doe was involved in an incident including hate speech. Although it is undisputed that she was entitled to withdraw her letter of recommendation, Ms. Moll was disciplined for using the term "hate speech" in her brief conversation with the college administrator to describe the incident involving a swastika and a statement to a Jewish girl to "burn it like they burned the Jews." The Brandeis Center wrote a letter on her behalf in January (<http://brandeiscenter.com/continuing-fight-justice-stoughton-high-school/>), and continues to urge Stoughton to reverse its current position, retract Ms. Moll's punishments and issue an apology to Ms. Moll.

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ABOUT THE LOUIS D. BRANDEIS CENTER: The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts university, the Kentucky law school, nor any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice.

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