

Diversity in State Government and Traditionally Marginalized Groups

Timeline

1. January 30, 2007: Governor Patrick signs Executive Order No. 478 “Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action” affirming Massachusetts’ commitment to equal opportunity in state government (B-45).
2. June 18, 2007: Governor Patrick signs Executive Order No. 486 “Establishing the Governor’s Council to Address Sexual and Domestic Violence” (A-2, B-50).
3. November 13, 2007: Governor Patrick signs “An Act Relative to Public Safety at Reproductive Health Care Facilities,” establishing a fixed 35-foot foot buffer zone around the entrances and driveways of all reproductive health facilities (A-10, B-81).
4. December 20, 2007: Governor Patrick signs Executive Order No. 494 “Establishing the Office of the Child Advocate” (A-13, B-55).
5. February 9, 2010: Governor Patrick signs “An Act Relative to Harassment Prevention Orders” providing stronger protections for victims of sexual abuse and intimidation (B-62).
6. April 13, 2010: Governor Patrick signs “An Act Relative to Assault and Battery By Means of a Bodily Substance Upon Correctional Facility Employees and Expanding the Prohibition on the Dissemination of Obscenity” including instant and text messages, email and other electronic communications in the existing law that prohibits sending obscene and harmful material to minors (A-29, B-69).
7. May 3, 2010: Governor Patrick signs “An Act Relative to Bullying in Schools” to improve the way students and adults report and address issues related to bullying (A-30, B-71).
8. July 31, 2010: Governor Patrick signs “An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Boston” requiring the city of Boston to prepare ballots in Chinese and Vietnamese for all federal, state and local elections (A-33, B-100).
9. August 4, 2010: Governor Patrick signs “An Act Eliminating the Word ‘Retardation’ from the General Laws” to promote respect for people with developmental disabilities (A-34, B-102).
10. December 20, 2010: Governor Patrick swears in Roderick L. Ireland as Chief Justice of the Massachusetts Supreme Judicial Court (A-43).
11. December 21, 2010: Governor Patrick nominates Fernande R.V. (“Nan”) Duffly to serve as an Associate Justice of the Massachusetts Supreme Judicial Court (A-45).
12. April 4, 2011: Governor Patrick nominates Barbara A. Lenk to serve as an Associate Justice of the Massachusetts Supreme Judicial Court (A-46).
13. November 21, 2011: Governor Patrick signs “An Act Relative to the Commercial Exploitation of People,” strengthening protections for victims of human trafficking and prostitution, and increases the punishment for offenders (A-50, B-82).

14. November 23, 2011: Governor Patrick signs “An Act Relative to Gender Identity,” which legally protects transgender individuals from discrimination in housing, education, employment and credit (A-54, B-98).

Results

Executive Order No. 478 “Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action” (2007, B-45)¹

- Establishes non-discrimination, diversity, and equal opportunity as the policy of the Executive Branch of Massachusetts in all aspects of state employment, programs, services, activities and decisions.
- Establishes that all state agencies shall develop and implement affirmative action and diversity plans, setting up specific goals and timetables for achievement. Each plan will be updated, at a minimum, every two years.

Executive Order No. 486 “Establishing the Governor’s Council to Address Sexual and Domestic Violence” (2007, B-50)²

- Establishes the Governor’s Council to Address Sexual and Domestic Violence that, as its first order of business, shall devise a guide for Massachusetts’ law enforcement agencies to consult when responding to a report of an adult sexual assault and revise and update the Massachusetts Policy for Law Enforcement Response to Domestic Violence.
- Additionally the Council shall:
 - Consider the need for further legislation to protect victims, punish and treat perpetrators, and reduce and prevent the incidence of sexual and domestic violence.
 - Evaluate the response of law enforcement, judicial and health and human service systems to the needs of sexual and domestic violence victims.
 - Consider measures to prevent and reduce the incidence of sexual and domestic violence through public education and awareness of sexual and domestic violence as criminal acts.
 - Consider other measures to address sexual and domestic violence, and child sexual abuse, and develop and submit to the Governor an annual report of the Council’s findings and recommendations.

“An Act Relative to Public Safety at Reproductive Health Care Facilities” (2007, B-81)³

- Establishes a fixed 35-foot buffer zone around the entrances and driveways of all reproductive health facilities in Massachusetts.

¹ “Executive Order No. 478 ‘Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action’” (B-46).

² “Executive Order No. 486 ‘Establishing the Governor’s Council to Address Sexual and Domestic Violence’” (B-51 & B-52).

³ “Governor Patrick Signs Buffer Zone Bill” (A-10).

Executive Order No. 494 “Establishing the Office of the Child Advocate” (2007, B-55)⁴

- Establishes the Office of the Child Advocate.
- The office will:
 - Seek to ensure that children involved with agencies within the Executive Office of Health and Human Services (Executive Office) and, in particular, children served by the child welfare or juvenile justice systems receive timely, safe and effective services.
 - Examine, on a system-wide basis, the care and services that agencies of the Executive Office provide to and for children.
 - Advise those at the highest levels of state government how the Commonwealth can improve its services to and for children.
- The Child Advocate shall report annually to the Governor, to other top members of state government, and to the public.

“An Act Relative to Harassment Prevention Orders” (2010, B-62)⁵

- Allows victims, regardless of relationship, to obtain civil restraining orders that are criminally enforceable, changing the old definition of harassment that had been an impediment for some victims of stalking and sexual assault.

“An Act Relative to Assault and Battery By Means of a Bodily Substance Upon Correctional Facility Employees and Expanding the Prohibition on the Dissemination of Obscenity” (2010, B-69)⁶

- Closes a loophole in the current statutory scheme by adding instant and text messages, email and other electronic communications to an existing law that prohibits sending obscene and harmful materials to minors.

“An Act Relative to Bullying in Schools” (2010, B-71)⁷

- Requires each Massachusetts school to develop a bullying prevention and intervention plan that must, among other things:
 - Include descriptions of and statements prohibiting bullying and retaliation;
 - Establish procedures for reporting bullying and retaliation;
 - Allow reports of bullying and retaliation to be made anonymously;
 - Establish procedures for promptly responding to and investigating reports of bullying and retaliation;
 - Establish procedures for restoring a sense of safety to the victim; and
 - Establish procedures for promptly notifying the parents of both the city and the perpetrator of the allegedly bullying conduct.
- Each plan must be updated every two years and be filed with the Massachusetts Department of Elementary and Secondary Education.

⁴ “Executive Order No. 494 ‘Establishing the Office of the Child Advocate’” (B-56).

⁵ “Governor Patrick Signs Law to Strengthen Protections for Victims of Harassment” (A-25).

⁶ “Governor Patrick Signs Bill to Strengthen Child Protection Laws” (A-29).

⁷ “Far-reaching Anti-bullying Law Enacted In Massachusetts,” Sara Goldsmith Schwartz. Schwartz Hannum PC. (C-2-C-4).

- Each school must provide written notice of its plan to all students, parents and employees; provide annual training on the plan to its faculty, staff and administration; and include relevant sections of the plan in its employee handbook.
- The prohibition of bullying encompasses not just the premises of the school but also school-sponsored and school related activities, functions and programs; school bus stops; school buses and other vehicles owned, leased or used by the school; and school computers and other technologies. Additionally, bullying at a non-school related location or function or via technology that is not school leased, owned, or used is also banned if the bullying produces a hostile environment for the victim while she/he is at school.
- Amends the criminal statute regarding Stalking and Criminal Harassment to include acts or threats made via instant and text messaging.
- Amends the criminal statute regarding Annoying Telephone Calls to cover harassing or annoying behavior made via electronic communications.
- Establishes a seven-member commission for the purposes of making an investigation and study relative to bullying and cyber-bullying. The commission is charged with determining whether additional criminal laws should be amended to address bullying.

*“An Act Relative to the Preparation of Certain Bilingual Ballots in the City of Boston” (2010, B-100)*⁸

- Requires the City of Boston to prepare ballots in Chinese and Vietnamese for all federal, state and local elections. Additionally, the measure calls for Chinese ballots to be transliterated by the Boston Board of Election Commissioners to include Chinese characters that represent the phonetic equivalent of the syllables in an English name.

*“An Act Eliminating the Word ‘Retardation’ from the General Laws” (2010, B-102)*⁹

- Replaces the words “mental retardation” with “intellectual disabilities or disability” in the Massachusetts General Laws.

*“An Act Relative to the Commercial Exploitation of People” (2011, B-82)*¹⁰

- Establishes the state crime of human trafficking for sexual servitude. This offense is punishable by a mandatory-minimum term of five years, with a potential maximum sentence of up to 20 years, and a fine of up to \$25,000.
 - Additionally, human trafficking for sexual servitude involving a victim under 18 carries a potential maximum sentence of life in prison.
 - A business entity convicted of human trafficking for sexual servitude may be fined up to \$1 million.

⁸ “Governor Patrick Signs Ballot Translation Bill” (A-33).

⁹ “Governor Patrick Signs Legislation to Promote Respect for People with Developmental Disabilities” (A-34).

¹⁰ “Governor Patrick Signs Anti-Human Trafficking Legislation” (A-50).

- Establishes the enticement of a child to engage in prostitution, human trafficking or commercial sexual activity by electronic communication a crime punishable by up to five years in state prison or a fine of \$2,500, or both. A second or subsequent offense is subject to a mandatory five-year sentence and a fine of not less than \$10,000.
- Requires the Department of Children and Families (DCF) to provide comprehensive services to all victims of child sexual exploitation, including state-funded social and legal services. The law also requires the DCF to provide an advocate who would accompany a sexually exploited child to all court appearances.
- Creates a Victims of Human Trafficking Trust fund, funded from assets seized and forfeited from the crimes established under the bill, and allows the DCF to apply to the victim and witness assistance board for grants from the Trust Fund to provide services to the victims.
- Establishes that the recruiting, enticing, harboring, transporting, delivering or obtaining by any means another person with the intent to have an organ or body part removed for sale or benefiting from organ trafficking is punishable by up to 15 years in state prison or a fine of \$50,000, or both.
 - Organ trafficking involving a child under 18 is punishable by a mandatory sentence of five years.
- Creates a 19-member, interagency task force, chaired by the Attorney General, to address all aspects of human trafficking, including sex and labor trafficking.

“An Act Relative to Gender Identity” (2011, B-98)¹¹

- Establishes the legal protection of transgender individuals from discrimination in housing, education, employment and credit as well as provides additional civil rights and protections from hate crimes.

Diversity Statistics

- Demographic breakdown of boards and commissions appointments since June 2007:¹²
 - Men – 2118
 - Women – 1438
 - White – 2857
 - Black – 314
 - Asian – 145
 - Latino – 179
 - Native American – 7
- Since 2007, there has been a 10 percent increase in women and a 57 percent increase in people of color in managerial positions in the Executive Branch. Additionally, there has been a 25 percent increase in women and a 207 percent in people of color serving as senior managers within state government during that

¹¹ “Governor Patrick Signs Transgender Equal Rights Bill” (A-54).

¹² “FW: Boards and Commissions – Breakdown” (B-61).

- time.¹³
- Since Governor Patrick took office, state businesses owned by traditionally marginalized groups have increased by over 40 percent overall; 16 percent for businesses owned by people of color and 51 percent for businesses owned by women.¹⁴

¹³ “Governor Patrick Is Recognized for Growing Diversity in State Government” (A-76).

¹⁴ Ibid.