PROPOSED CHANGES

Students BP 5145.31

HATE MOTIVATED BEHAVIOR

The Board of Education affirms the right of all students, staff, and parents/legal guardians to be free from hate crimes, or any hate-inspired activity which degrades an individual including, but not limited to, race **or** ethnicity, **color,** religion, age, culture, heritage, **ancestry, national origin, nationality,** gender, ~~(including~~ gender identity[1], **gender expression[2]**, **perceived sex,** sexual orientation, genetic information[3], mental or physical disability.

Such acts may cause injury to victims and will not be tolerated in an educational setting. The Board encourages the Superintendent and staff to develop programs which enhance self-esteem, raise awareness and sensitivity, and foster respect and understanding for all individuals and their unique qualities.

The Board recognizes that such hate-inspired threats, physical assaults or damage to property jeopardize the safety and well-being of students and staff. The Board authorizes the staff to discipline students involved in such acts including suspension or recommendation for expulsion as permitted in Board Policy 5144.1. Nothing in this policy shall be interpreted to prevent students from expressing their views.

[1]Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.

[2]Gender expression refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, hairstyle, voice and other forms of presentation.

[3]Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Policy **SAN LEANDRO UNIFIED SCHOOL DISTRICT**
adopted: April 20, 1999 San Leandro, California
revision adopted: August 24, 2004
revision adopted: January 10, 2012
Revision to BPC November 27, 2012/Board December 4, 2012

Students AR 5145.31(a)

HATE MOTIVATED BEHAVIOR

Definitions

An incident of hate-motivated behavior is any act or attempted act that causes emotional suffering, physical injury, or property damage through intimidation, harassment, **bullying,** bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by hostility toward the victim's real or perceived ethnicity, national origin, **nationality,** immigrant status, religious belief, gender, ~~(including~~ gender identity[1], **gender expression[2]**, **perceived sex,** sexual orientation, age, genetic information[3], **mental or physical** disability, political affiliation, race, **color,** or any other physical or cultural characteristic.

[1]Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.

[2]Gender expression refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, hairstyle, voice and other forms of presentation.

[3]Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Hate-motivated behavior may include criminal or non-criminal behaviors. When criminal acts are determined to be motivated by hate, they become hate crimes. The crimes may include the following:

- Destruction or defacing of property;
- Threats of violence;
- Unusual violent assaults by groups or individuals which appear to be random;
- Certain kinds of vandalism;
- Unlawful use of telephones or mail for harassment;
- Bomb threats or explosions; and
- Cross burnings.

~~*Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.~~

~~**Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).~~

HATE MOTIVATED BEHAVIOR (continued)

Non-criminal hate-motivated behaviors include, but are not limited to, the following:

- Posting or circulating demeaning jokes, leaflets, or caricatures;
- Defacing, removing or destroying posted materials or announcements;
- Distributing or posting hate-group literature or posters, and
- Using bigoted insults, taunts, slurs, ~~**or**~~ threats, **harassment, intimidation and bullying.**

Prevention

Throughout the system, it is the responsibility of all employees to ensure that established district standards of behavior are followed. Standards of behavior should promote respect for all people and oneself. School personnel must demonstrate to students, employees and community members that each person is valued, as are all cultural differences brought from home to school.

The process of preventing hate-motivated behavior shall consist of the following steps:

- *Specify the rules of conduct* in documents, speeches, and orientation sessions that are held at the beginning of each school year or term. Include the district and school policies concerning hate-motivated behavior, the activities considered to violate policies and constitute unacceptable behavior, the procedures for reporting hate crimes, and the consequences for those who commit any hate-motivated behavior.
- *Review annually* incident and crime reports at both site and district levels.
- *Conduct*, at least biannually, a *school/district climate assessment*. Analyze the data to improve programs.
- *Provide staff training* which will help staff members to respond immediately and appropriately to hate-motivated incidents, accurately report hate-motivated incidents, and provide needed assistance for the victim and offender.

HATE MOTIVATED BEHAVIOR (continued)

- *Provide workshops for teachers, parents, families, and community* partners that teach the importance of setting examples of respectful communication and provide the opportunity for participants to practice skills to resolve conflicts appropriately and model positive behavior.

- *Support curriculum and student activity programs* that promote appreciation and respect for differences among people.

- *Involve community partners*, such as government agencies, law enforcement, and community counseling as resources to develop, implement and monitor prevention plans.

Intervention

In all cases of hate-motivated behavior, intervention must be immediate, follow a standard set of procedures, ensure the safety of the victim, and provide for appropriate disciplinary action for the perpetrator. The intervention response to hate-motivated behavior includes:

Immediately:

1. Stop the behavior and address the problem. Discuss the incident with the victim(s) involved and interview possible witnesses. Provide immediate and reasonable consequences for the perpetrator.

The same day:

2. Provide immediately staff response to all reports of hate-motivated behavior.

3. Provide victims of hate-motivated behavior or crime with support and assistance.

4. In the case of students, inform the victim's and perpetrator's parents.

5. Follow the district's media relations procedures.

HATE MOTIVATED BEHAVIOR (continued)

As soon as possible:

6. Proceed with appropriate disciplinary action.

7. Report in writing all hate-motivated behavior on the district's Hate Motivated Incident Report (Exhibit 5145.31).

8. Provide appropriate opportunities for the staff or student perpetrators (and in the case of students, their families) to learn respectful communication skills and to acquire the strategies to resolve conflicts appropriately to create a safe school environment.

9. Implement follow-up activities with students, staff, and community including:

   - Taking photographs of graffiti and removing it as soon as possible;
   - Sharing information with the police;
   - Working with students and families to restore campus harmony;
   - Using crisis response teams when needed.

Reporting

Students and staff shall be informed that they should immediately contact the principal, assistant principal, counselor or a staff member or appropriate supervisor if they feel they are a victim of hate-motivated behavior. Assistance is available from the site principal and/or district administrative offices for students, families, and staff for any part of the process for reporting incidents of sexual harassment.

Staff shall report any such incidents they may observe or become aware of, even if the victim has not complained. This report shall be made to the site administrator the same day.

HATE MOTIVATED BEHAVIOR (continued)

The principal or designee or supervisor shall immediately investigate any report of hate-motivated behavior. Upon verifying that hate-motivated behavior occurred, he/she shall ensure that appropriate action is promptly taken to end the behavior, address its effects on the person subjected to the harassment, and prevent any further instances of the behavior. The principal, designee or supervisor shall complete the Hate-Motivated Behavior Incident Report. In addition, the student or staff member may file a formal complaint with the Superintendent or designee in accordance with the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of hate-motivated behavior shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Review

In conjunction with the annual review conducted as part of the school crime report, the district shall also review the reporting of hate-motivated behavior.

(cf. 1312.3 - Uniform Complaint Procedure)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Regulation **SAN LEANDRO UNIFIED SCHOOL DISTRICT**
reviewed: April 20, 1999 San Leandro, California
reviewed: August 24, 2004
reviewed: January 10, 2012
Revision to BPC November 27, 2012/Board December 4, 2012

San Leandro Unified School District

SUSPECTED HATE-MOTIVATED BEHAVIOR INCIDENT REPORT

1. **Incident**

School _____ Location _____
Date _____ Time _____
Form Completed by _____
Phone _____ Title _____

2. **Perpetrator(s)**:

	Male	Female	Ethnicity *							Grade	Perpetrator attends school? Yes/No
			A	AI/AN	B	F	H	PI	W		
1											
2											
3											
4											

3. **Victim(s):**

	Male	Female	Ethnicity *							Grade	Perpetrator attends school? Yes/No
			A	AI/AN	B	F	H	PI	W		
1											
2											
3											
4											

*Ethnic Code Key (taken from CBEDS): **A** Asian; **AI/AN** American Indian or Alaskan Native; **B** Black (not of Hispanic origin); **F** Filipino; **H** Hispanic; **PI** Pacific Islander; **W** White (not of Hispanic origin)

4. **Type of Bias:**

☐ Gender ☐ Gender Identity[1] ☐ Gender Expression[2] ☐ Genetic Information[3] ☐ Perceived Sex
☐ Sexual Orientation ☐ Race or Ethnicity ☐ National Origin/Nationality ☐ Ancestry ☐ Color
☐ Disability ☐ Religion ☐ Age

~~☐ Race ☐ Sexual Orientation ☐ Religion ☐ Gender (including gender identity*)~~
~~☐ Disability ☐ National Origin ☐ Genetic Information** ☐ Other _____~~

5. **Type of Incident:**

PERSONAL
- ☐ Body language/ gestures
- ☐ Verbal slurs/threats
- ☐ Harassment
- ☐ Extortion/theft
- ☐ Physical assault - no weapon(s) used
- ☐ Physical assault - weapon(s) used
- ☐ **Other:**_____

PROPERTY
- ☐ Graffiti
- ☐ Property damage
- ☐ Arson
- ☐ Cross burning
- ☐ Other:_____

[1]Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.

[2]Gender expression refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, hairstyle, voice and other forms of presentation.

[3]Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).