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Fostering a Safe and Bias-Free Learning Environment

A Guide for Educators

Fostering a Safe and Bias-Free Learning Environment

Preface

This revised edition of *Preventing and Countering School-Based Harassment*, updated as *Fostering a Safe and Bias-Free Learning Environment: A Guide for Educators,* is based on the latest research and our work with schools and communities. Although bullying, racial and sexual harassment, and racial and gender discrimination are often addressed separately, the reality is that when one form of bullying, harassment, or discrimination occurs, the opportunity exists for all types to occur. Focusing only on one type of bias can allow other forms to go unchallenged.

This guide addresses the more comprehensive issue of bullying, harassment, and discrimination in the school by capturing similarities in the causes, types, and responses to different forms of bias while also addressing the legal aspects of dealing with this problem. This resource is designed to help school staff foster safe and bias-free learning environments. A companion guide offers information and suggested action steps for students, parents, and community members.

About This Publication

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Introduction

What is the problem?

Every day—in virtually every school—students and adults experience bullying and harassing behaviors that interfere with their ability to learn or work. Such behaviors can occur during any school activity and in any place—from classrooms to hallways, the cafeteria, and routes to and from school. These types of attacks are rarely isolated incidents that involve one perpetrator or a single victim. Instead, the attitudes and behaviors that set the stage for bullying and harassment are often an integral part of a school's culture.

Today, with the ubiquity of cell phones and online platforms, bullying and harassment extend beyond the school day. Social media provide a platform for bullies and harassers to send hateful messages at any time of day to a single victim or the entire school—in fact, to anyone who uses technology.

> **Harassment** is unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group based on race, sex, or national origin.

According to federal civil rights law, harassment, intimidation, or bullying are defined as any intentionally written message or image or verbal or physical act that's shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation (including gender expression or identity), mental or physical disability or other distinguishing characteristics and is intended to:

- Physically harm a student or damage the student's property
- Substantially interfere with a student's education
- Severely, persistently, or pervasively create an intimidating or threatening educational environment
- Substantially disrupt the orderly operation of the school

Harassment is unwanted behavior directed at an individual because of race, national origin, sex, or disability that interferes with the individual's ability to learn or participate in school activities. It can be blatant or subtle, occurring as an isolated incident or a pattern. It can occur between students, between adults, or between an adult and a student. It can happen at any age. It can take place in face-to-face interactions between two people. It can also happen indirectly through rumors, graffiti, or electronic means.

Harassing behavior can range from mildly unpleasant remarks to physical violence. If the unwanted behaviors are linked to gender or sexual orientation they are termed *sexual harassment.* When the behaviors are linked to skin color, race, or cultural background, they are identified as r*acial harassment*. If the harassment is physical, the criminal law of assault may be appropriate. It is always considered discrimination when individuals are treated differently (usually less favorably) because of gender, race, or disability.

Examples of harassment found in schools involve:

- Using teaching materials that contain biased curricular content
- Applying disproportionate discipline practices for similar behaviors
- Expressing verbal and physical acts of disrespect, including name calling, insults, offensive jokes, threats, and physical aggression
- Ignoring or excluding someone from school activities or events
- Displaying offensive graffiti, pictures, or written material
- Ignoring or excluding someone from school activities or events

Bullying behavior is unwanted aggressive behavior that involves a real or perceived power imbalance (Limber, 2002). The behavior is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

Bullying behaviors are not necessarily obvious or apparent to others and may happen in the school without an adult's awareness. Bullying is the common denominator of harassment, discrimination, abuse, and violence. The source of most bullying and harassment can usually be traced to one individual.

There are many roles that children and youth can play in these types of interactions: they can bully others, they can be bullied, or they may witness bullying. When students are involved in bullying, they often play more than one role. It is important to understand the multiple roles children and youth play in order to effectively prevent and respond to bullying.

Cyberbullies use electronic devices to send mean messages, post rumors, and share embarrassing pictures, videos, websites, or fake profiles.

Cyberbullies use electronic devices, including cell phones, computers, and tablets, as well as online communication platforms such as text messages, chat, and social media sites to send mean messages, post rumors, and share embarrassing pictures, videos, websites, or fake profiles.

What does the research say?

Fostering a learning environment that is safe for each and every student is the moral, legal, and ethical responsibility of every school staff member, parent, and student, yet bullying and harassment affect millions of students in schools across the nation. More than a third of students in middle and high school are directly involved in bullying situations and nearly all are witnesses to these events (Nansel et al., 2001; Nishioka, Coe, Burke, Hanita, & Sprague, 2010; Swearer & Cary, 2003).

Study after study tells us that students from groups protected by civil rights laws are subjected to discrimination by their peers and adults. These supposedly protected students are subjected to bullying, harsher school discipline, and less access to the school resources they require to succeed because of race, ethnicity, disability, or gender

In 2011, **nearly half** of students in grades 7-12 reported being a victim of sexual harassment.

(Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Darling-Hammond, 2004; Eitle & Eitle, 2004; Noltemeyer & Mcloughlin, 2010). Despite widespread attention to achievement and discipline gaps in education, inequalities and disparities continue to be a significant challenge for our schools (Losen & Gillespie, 2012; Skiba, Michael, Nardo, & Peterson, 2002).

In many schools, harassment goes beyond race or ethnicity. In 2011, nearly half of students in grades 7–12 reported being a victim of sexual harassment that was hurtful (Hill & Kearl, 2011). Although more girls (56 percent) report problems, at least 25 percent of boys are also victims of sexual harassment. Victims reported being called derogatory names such as "whore," "slut," or "faggot." Some students have reported that ugly rumors were spread about them verbally, in graffiti, or electronically. Still other students reported being victimized by unwelcome touching, physical intimidation, and being forced by their classmates or a school employee to do something sexual (Hill & Kearl, 2011).

Harassment harms the self-esteem, physical safety, and emotional well-being of the students directly involved, as well as bystanders who witness these events. Both victims and perpetrators suffer the consequences of such interactions, experiencing trouble concentrating or participating in class, which can result in poor or failing grades. They are also more likely to suffer from depression, anxiety, substance abuse, and social problems with peers (Arseneault et al., 2006; DeVoe & Kaffenberger, 2005; Nansel et al., 2001). Tragically, some students have resorted to suicide or violence toward others as a direct result of harassment (Kim & Leventhal, 2008; Klomek, Marrocco, Kleinman, Schonfeld, & Gould, 2007; Liu & Mustanski, 2012).

> Bullying may be more insidious than harassment … an accumulation of many small incidents over a long period of time.

Bullying may be more insidious than harassment. Harassment and assault can result from a small number of fairly serious incidents, which everybody recognizes as harassment or assault. Bullying, however, tends to be an accumulation of many small incidents over a long period of time. Each bullying incident is considered trivial; on its own and out of context, it does not constitute an offense or grounds for disciplinary or grievance action.

The effects of bullying and harassment pervade the everyday life of the victim and potentially are expressed as:

- Feelings of confusion, powerlessness, anger, fear, shame, or guilt
- Emotional problems such as anxiety, panic reactions, and low self-esteem
- Social problems, insecurity, embarrassment, feelings of betrayal, isolation
- Physical problems such as headaches, sleep problems, lethargy, somatic complaints
- Self-harm and suicide
- Absenteeism, withdrawal from school activities, problems concentrating, poor grades

Some young people are more likely to be targeted for harassment and bullying–for example, based on disability (Carter & Spencer, 2006), sexual orientation (Kosciw, Greytak, Diaz, & Bartiewicz, 2010), gender identity (Kosciw et al., 2010), weight (Peterson, Puhl, & Luedicke, 2012; Wang, Iannotti, & Luk, 2010), race, or religion. For instance:

- A recent national survey of school climate found that more than 80 percent of lesbian, gay, bisexual, and transgender (LGBT) youth reported some form of bullying or harassment at school. Over 92 percent of LGBT youth surveyed reported hearing homophobic remarks from other students at school; more than half reported hearing homophobic comments from teachers or other school staff (Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2012).

- Students with disabilities are subjected to more bullying, physical abuse, verbal abuse, and social rejection than other students (Carter & Spencer, 2006; Llewellyn, 2000; Marini, Fairbairn, & Zuber, 2001; Norwich & Kelly, 2004).

> The classmates of a 15-year-old teenager tormented him constantly because of his ethnicity, learning disabilities, and their perception that he was gay. The administrators knew of the harassment but did nothing to intervene. The teenager ended his life after months of suffering (Ford, 2012).

Suicide is a leading cause of death for middle and high school students (U.S. Department of Health and Human Services, 2010). Bullying and harassment in school have been cited as a factor in many of these deaths. According to Ford (2012), the classmates of a 15-year-old teenager tormented him constantly because of his ethnicity, learning disabilities, and their perception that he was gay. The administrators knew of the harassment but did nothing to intervene. The teenager ended his life after months of suffering (Ford, 2012).

Research shows that bullying and the school climate in which it occurs affect students' academic achievement, learning, and development. Children who are bullied:

- Are more likely to avoid school (Kochenderfer & Ladd, 1996; Olweus, 1992) and more likely to drop out of school (Fried & Fried, 1996)

- Have lower academic achievement, including lower achievement in math and reading (Glew, Fan, Katon, Rivara, & Kernic, 2005)

- Have lower self-esteem and higher levels of anxiety, depression, and loneliness (Hawker & Boulton, 2000; Rigby, 2003)

- Are more likely to attempt suicide, both during childhood (Dempsey, Haden, Goldman, Sivinski, & Wiens, 2011; Klomek et al., 2007) and later in life (Klomek et al., 2011; Meltzer, Vostanis, Ford, Bebbington, & Dennis, 2011)

Children who bully others:

- Show higher levels of aggression and impulsivity (Rigby, 2003; Swearer, Espelage, Vaillancourt, & Hymel, 2010)

- Have higher rates of alcohol and drug abuse (Kaltiala-Heino, Rimpelä, Rantanen, & Rimpelä, 2000)

- Engage in more delinquent and criminal behavior (Haynie et al., 2001; Nansel et al., 2001; Swearer et al., 2010)

Students in schools with positive climates:

- Have better school attendance and study habits (Phillips, 1997; Zins, Weissberg, Wang, & Walberg, 2004)
- Are more motivated and committed to succeed academically (Osterman, 2000; Zins et al., 2004)
- Engage in more cooperative learning (Cornell & Gregory, 2008)
- Achieve higher grades, test scores, and subject mastery (Cornell & Gregory, 2008; Zins et al., 2004)

There are many challenges in eliminating bullying and harassment because we all have biased attitudes and behaviors. Some of us acknowledge this and work to increase our self-awareness and build respectful relationships with students. Others are unaware of their own biases and unknowingly say or do things that discriminate against others. And, some individuals intentionally discriminate against others and refuse to change. For many schools, bullying and harassment are entrenched in their culture and affect school climate. The culture dictates the social norms that determine how adults relate to students and how students treat each other (National School Climate Council, 2012).

> For many schools, bullying and harassment are entrenched in their culture and affect school climate. Research shows that bullying can be significantly reduced to change group norms and improve school climate.

School climate is the overall quality and character of school life, including teaching and learning practices, organizational structures, norms and values, and relationships. Because bullying and harassment are so common in the day-to-day life of some schools, staff members and students view these behaviors as "normal" and fail to recognize the harmful problem they create (National School Climate Council, 2012).

Research shows that bullying can be significantly reduced through comprehensive, schoolwide programs designed to change group norms and improve school climate (Espelage & Holt, 2012; Olweus, 1993a; Olweus, 1993b; Olweus, Limber, & Mihalic, 1999; Orpinas & Horne, 2006; Swearer et al., 2010; Whitney, Rivers, Smith, & Sharp, 1994). Specifically, effective anti-bullying programs incorporate:

- A schoolwide focus on increased supervision and the promotion of pro-social behavior (Ttofi & Farrington, 2011)
- Intensive, sustained training for students, teachers, school staff, and community members (Ttofi & Farrington, 2011)
- Individualized intervention for students at heightened risk (Orpinas & Horne, 2006; Swearer et al., 2010; Vreeman & Carroll, 2007)
- The promotion of respect for individual differences and an overall norm of tolerance (National School Climate Council, 2012)

What are a school's legal responsibilities?

If students report they are being bullied, schools are required by law to take action. Title VI of the Civil Rights Act of 1964 obligates schools to address conduct that is:

- Severe, pervasive, or persistent.
- Creates a hostile environment at school. That is, it is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school.
- Based on a student's race, color, national origin, sex, disability, or religion (covered under Title IV of the Civil Rights Act of 1964).

Anyone can report harassing behavior to a school. When a school receives a complaint, administration must take immediate and appropriate action to investigate or otherwise determine what happened, including:

- Conduct a prompt, thorough, and impartial inquiry
- Interview targeted students, offending students, and witnesses; maintain written documentation of the investigation
- Take steps reasonably calculated to end harassment, if investigation shows it has occurred, including eliminating any aspects of a hostile environment, preventing harassment from recurring, and preventing retaliation against the targeted student(s) or complainant(s)
- Communicate with targeted students and/or complainants regarding steps taken to end harassment
- Check in with targeted students to ensure that harassment has ceased

Protecting each student's right to a safe learning environment requires everyone—educators, students, and parents—to respect each other's differences and work together to stop harassment.

How can this guide help?

Harassers may not understand that their behavior is unacceptable and that their victims have avenues of legal recourse. Some victims do not know their rights and that they do not have to tolerate abuse. Unfortunately, biased attitudes and behaviors will go unchallenged and harassment will continue unless everyone takes action to eliminate such behavior from their school. Factors that prevent the elimination of bullying and harassment are:

- Schools or districts do not have well-written anti-bullying and harassment policies and procedures and/or staff members lack knowledge of these policies/procedures
- School staff members lack professional development in recognizing and responding to bullying and harassment
- Students lack information about the seriousness of bullying and harassment and often do not know what to do if it occurs
- Students do not report bullying and harassment because they believe that adults will ignore their complaints or will make matters worse
- The school lacks an efficient data-tracking system to monitor bullying and harassment incidents

To help eliminate these factors, this guide provides educators with the information they need to prevent and respond to complaints of bullying and harassment behaviors, as well as effective strategies to implement immediately that will put an end to bullying and harassment in their school. Using the step-by-step guidelines, educators can help those who are victimized by bullying and harassment. Other resources (appendixes A–D) offer examples of actual bullying and harassment cases and appropriate responses to each; information about civil rights agencies and summaries of relevant legislation; reproducible information sheets for school staff, parents, and students; and additional supports.

NOTE: This guide uses the term "victim" to refer to a student who has experienced harassment and "harasser" to refer to students who perpetrate harassment. We understand that these terms are emotionally charged, but believe that they underscore the seriousness of the issue and its consequences.

Bullying, Harassment, and Discrimination at School

Harassment denies or limits a student's ability to participate in or benefit from the education program because of discrimination against the student's race, sex, national origin, or disability. Harassment can involve girls and boys and can occur at any age. It can target one student or a group of students. Harassment can involve an adult harassing a student or vice versa. It can be a serious incident that occurs only once or a pattern of discrimination. Some acts of bias are subtle and not easily recognizable to persons who lack training in educational equity. Many think harassment occurs only if the harasser intentionally means to harm the victim. This is not true. Harassment can also be committed unintentionally by individuals who have not acknowledged their own biases (Moule, 2009). Subtle or unintentional discrimination can harm students as much as the most blatant verbal or physical aggression. Schools have an obligation and legal responsibility to protect students from all forms of harassment.

Blatant harassment and institutional racism

Blatant harassment happens openly in front of others. It includes a range of behaviors, including physical aggression, threats, intimidation, verbal taunts, name-calling, nonverbal gestures, or excluding someone on purpose. It also includes spreading mean rumors or derogatory images through written notes, text messages, graffiti, or pictures.

Institutionalized racism refers to practices and behaviors that prevent a group of students from fully benefiting or participating in school activities. Murray and Clark (1990) identify eight patterns of institutional racism in schools:

> **Institutionalized racism** refers to practices and behaviors that prevent a group of students from fully benefiting or participating in school activities.

- Hostile, insensitive acts
- Harsher sanctions against particular ethnic or racial groups (e.g., higher rates of exclusionary discipline or longer school suspensions)
- Bias in attention and treatment such as differences in the amount and type of public praise, help, or encouragement
- Unequal instruction such as lower academic expectations, assignment of unchallenging work, or differences in behavior expectations
- Bias in attitudes and stereotypes (e.g., "You [group of students] always cause trouble")
- Failure to hire staff of different cultural backgrounds
- Denial of racist actions
- Bias in the selection of curriculum materials

Stereotypes of certain student groups in textbooks, school plays, or other activities create an atmosphere that fosters harassment and encourages hurtful behavior. Institutional racism means that adults treat different subgroups of students differently, dispensing harsher discipline consequences or projecting lower academic expectations on some groups than others.

For example, the U.S. Department of Education's Office for Civil Rights received 7,000 civil rights complaints in 2011 (Nittle, 2011). The complaints led to a record number of investigations of the following types of civil rights violations:

- Failure to provide college track courses for students of color
- Inequity in the number of highly qualified teachers assigned to schools with a high percentage of students of color
- Disproportionate placement of students of color in special education
- Overrepresentation of students of color in suspension and expulsion

Unfortunately the number of complaints is increasing annually so that in 2015 there were 10,000 such complaints.

Types of Bullying and Harassment

Cyberharassment

Using technology to create a hostile environment for students based on race, national origin, sex, or disability is referred to as cyberharassment and is growing at an alarming rate. This form of harassment includes sending emails, instant messages, and text messages, or posting graphic materials that are derogatory and demeaning. It is a growing concern for educators, parents, and students because incidents of cyberharassment are rapidly increasing and create considerable harm with relatively little effort on the part of the harasser (Hinduja & Patchin, 2010, 2014).

Sexting, the "act of sending or receiving sexually explicit or suggestive images or video via cell phone," is another dangerous behavior. Nearly a third of teenagers aged 13–19 admit being involved in sexting. This form of harassment affords the harassers the means to remain anonymous while allowing them to play mean tricks or send demeaning messages to an almost limitless group of students.

Cyberharassment causes as much damage as face-to-face harassment, and its consequences have been equally tragic; including links to teen suicide (Agatston, Kowalski, & Limber, 2007; Ybarra, Mitchell, Wolak, & Finkelhor, 2006). Few students are aware that this behavior is against the law and could result in their arrest.

The following are the most commonly used cyberharassment terms:

- **Bullycide** – Suicide caused by bullying and harassment through electronic means such as social media.

- **Electronic aggression** – A type of harassment or bullying that occurs through email, a chat room, instant messaging, a website, or text messaging.

- **Flaming or trolling** – Sending or posting hostile messages intended to "inflame" the emotions of others.

- **Going viral** – The rapid spread of Internet content through email and social networking sites because most people who get it share it with their friends or social networks.

- **Happy slapping** – Recording someone being harassed or bullied in a way that usually involves physical abuse and then posting the video online for public viewing.

- **Impersonation** – Stealing someone's password or hijacking their online account to send or post incriminating or humiliating pictures, videos, or information.

- **Photo shopping** – Doctoring digital images so that the main subject is placed in a compromising or embarrassing situation online for public viewing.

A 13-year-old girl sent a topless picture of herself to her boyfriend. Very quickly, students circulated the picture throughout her school. Her journals documented unbelievable cruelty from her classmates. They targeted her relentlessly with cruel names such as "slut" and "whore." She committed suicide shortly after she started eighth grade.

- **Physical threat** – Sending messages that involve threats to a person's physical safety.
- **Rumor spreading** – Spreading gossip through email, text messaging, or social networks.
- **Spoofing** – Perpetrating a hoax in which the email header or sender address are changed to appear as though the email is from a different source **(**Waggoner, Merk, Harris, & Nishioka, 2012).

Sexual harassment

Sexual harassment is unwanted verbal, nonverbal, or physical conduct of a sexual nature that creates a hostile learning environment. Such harassment is not flirting. It is never okay for adults to flirt with students or for flirting to continue if a student asks for it to stop. Of course, not all physical conduct is sexual in nature. Generally acceptable behavior might include a high school coach giving a student a side hug or pat on the back or a kindergarten teacher consoling a youngster who skins a knee.

Examples of sexual harassment are:
- *Anytime* an adult shows sexual interest in a student
- Unwelcome touching, invading someone's personal space, or other sexual advances (e.g., staring, deliberately brushing up against, leaning over, cornering, or pinching someone)
- Inappropriate joking and making suggestive remarks, sounds, or gestures
- Unwanted comments about someone's dress or appearance
- Discussions or stories turned to sexual topics or that make sexual innuendoes
- Displaying sexually suggestive pictures or written material
- Threatening or using intimidation to gain sexual favors

It is always considered sexual harassment and is illegal when an adult shows sexual interest in a student or offers to give students something in exchange for sexual favors—even if the student seems willing. Quid pro quo is a form of sexual harassment in which submission to unwanted sexual behavior is a condition of employment or of an educational decision such as a grade; another example is when sexual behavior is solicited with a promise of money or an expensive gift. Quid pro quo is serious—even a single incident meets the standard of sexual harassment. In the case of an adult and student, quid pro quo can happen even if the student appears to be a willing recipient of the behavior.

What is a hostile environment?

Harassment is in the eye of the beholder, and it is the victim who decides if the behavior is harassment, not the harasser. If a student believes the discrimination interfered with their ability to learn or participate in school, then the school must take steps to stop the unacceptable behavior. The victim does not have to prove extreme distress as a condition for getting help. Harassment exists if the victim believes the behavior creates a "hostile environment" even if the harassers view their behavior as "kidding around" or benign. It is the victim's perception that is the deciding factor. A hostile environment exists if the answer is "yes" to the following questions:

- Was the harassment based on race, sex, national origin, or disability?
- Was the harassment uninvited or unwelcome by the victim?
- Did the harassment create a hostile learning environment for the victim?

In many cases, a single incident may not create a hostile environment. However, schools should tell the student that the behavior is inappropriate and unacceptable. A single incident may cause a hostile environment if it is severe (e.g., includes threats of violence, property damage, or aggression that results in personal injury). Bystanders who witness discrimination directed at others may also be victims of harassment if it limits or interferes with their ability to learn or benefit from school.

Is it hostile?

The U.S. Department of Education's Office for Civil Rights (OCR) provides guidance for investigating incidents of racial and sexual harassment. Procedures for an investigation include analysis of the severity, pervasiveness, and persistence of the behavior. OCR uses the "reasonable person standard" to determine whether it is reasonable for the victim to view the school as hostile. If a "reasonable" person of the same race or ethnicity would view the behavior as harassment or if a "reasonable" person of the same sex would view the behavior as harassment, then the situation likely involves harassment. Schools should review all relevant circumstances of a situation to determine if a hostile environment exists. Factors to consider are:

- The nature of the conduct or behavior
- How often the behavior occurred
- How long the behavior continued
- The age of the victim
- Whether the behavior adversely affected the student's education or educational environment
- The degree to which the behavior affected one or more students' education
- The relationship between the alleged harasser and the target or targets of the alleged harasser
- Whether the alleged harasser was in a position of power over the person subjected to harassment (e.g., a peer with more physical strength or social status: the student's teacher or another school employee)
- The number of alleged harassers
- The age of the alleged harasser
- Where the harassment occurred
- Other incidents of harassment at the school involving similar behaviors or the same students

Legal considerations

School-based harassment is a violation of Title VI and Title VII of the Civil Rights Act of 1964 and of Title IX of the Education Amendments of 1972. Each student has the right under these federal laws (and most state laws) to attend schools that are safe, welcoming, and do not allow harassment. Schools are responsible for preventing harassment and for taking action immediately if it occurs. They must stop harassment that they know about or should have known about.

Federal law requires schools to have a harassment policy against race and sex discrimination and ensure the policy is publicly available to employees, students, and parents. Compliance also includes monitoring and implementing proactive efforts to foster prevention. Under Title IX, schools are required to adopt and publish grievance procedures for resolving discrimination complaints, including harassment. In addition, schools must have at least one employee who is responsible for coordinating efforts to comply with Title IX.

> Administrators must take appropriate responsive action if they receive an actual notice of the harassment or if they should have known.

Districts can be found liable of a civil rights violation in private actions for monetary damages based on the following criteria:

- The harassment is based on a person's race, national origin, sex, or disability
- The behavior is unwelcome
- The behavior is sufficiently severe, pervasive, and persistent so as to interfere with an individual's ability to participate or benefit from school programs or activities
- The official in authority to address the harassment knew of it and was deliberately indifferent

Administrators must take appropriate responsive action if they receive **actual notice of the harassment or if they should have known**. If a school finds there has been harassment, the first obligation is to stop it and ensure that it does not happen again. The school must also correct any negative effects created for the student who was victimized. Schools may receive notice of harassment in a variety of ways, including:

- The student files a grievance
- The student complains to a teacher or another student who notifies the administration
- The student, a parent, or another individual contacts the principal, campus security, or the Title IX coordinator
- A school employee witnesses and reports the harassment
- The school receives notice in an indirect manner from a member of the school staff, an educational or local community member, or the media
- There is a written note, graphic illustration, text message, email, or picture about the incident posted in the school or distributed to students (Racial Incidents and Harassment against Students, 1994).

Common misconceptions and untruths

We each have biases that influence how we relate to others. This makes it imperative that we watch for discriminatory patterns of behavior that signal harassment; such as harsher sanctions toward members of certain racial or ethnic groups or gender, bias in positive attention and selection of curriculum, and **d**enial of racist, sexist, or ethnocentric actions. We must also question commonly heard, mistaken beliefs, such as:

Individuals sometimes invite harassment by the way they act or dress. No one intentionally invites abuse or harassment. A person's attire or actions may not be used to excuse another person's abusive behavior.

Talking about harassment and the right to sue encourages people to file false complaints and lawsuits. Even when complaints are true, victims are sometimes reluctant to proceed with a complaint because doing so might expose them to further injury and humiliation. Still, administrators should not take any official action until they complete an investigation. The accused person is entitled to all rights of due process. Students and all employees must be trained to understand that intentional false accusations will not be tolerated and those who file such complaints will receive appropriate disciplinary action.

Harassment is usually a case of one person's word against another's. It is possible that a complaint will be filed with no corroborating evidence or witnesses. In that case, the investigator should listen carefully to the full account of both the complainant and the accused. If both parties are credible, the investigator may not be able to take any action other than to remind both—not as disciplinary warnings—of the laws and policies prohibiting harassment. It is possible; however, for the investigator to make a decision about who is telling the truth and even impose discipline based on discrepancies in the stories and past records of the individuals involved. The investigator should record clear reasons for any action taken.

When seeing or learning of a harassment situation, adults should let the students try to resolve it themselves. Adults are not obligated to do anything unless someone complains. Silence implies consent. One of the standards used to determine an institution's legal liability is whether the staff member(s) *knew or should have known* about the harassment. All staff members have a legal and ethical obligation to protect each student from harassment and hate crimes. Administrators have an obligation to ensure that their staff members understand what to do in response to harassment. Victims may not report harassment due to intimidation or fear. They also may not be aware of their civil rights and the legal protections available to them. Relying solely on victims' reports of harassment will not provide information about all incidents of harassment in your school. Further, it may leave your school vulnerable to legal and civil liability problems.

Harassment/bullying are just a normal part of growing up—after all, kids will be kids. Causing someone else harm is not normal or acceptable. Excusing harassment by saying "kids will be kids" does not protect each student in your school. It also does not correct students who engage in harassment nor does it teach them important social skills. This belief also overlooks situations in which adults engage in unacceptable behavior.

Anyone who complains about a little teasing just can't take a joke. It is the perspective of the victim that determines if the behavior is offensive and creates a hostile environment. Some behaviors may offend some people and not others. Unless the incident was particularly egregious, harassment is not a one-time case of teasing. Instead, it is generally a pattern of behavior that occurs repeatedly over time.

Cracking down on jokes and teasing will lead to a boring and humorless learning environment and workplace. Harassment policies are aimed at repeated, unwelcome behavior. The intent is not to interfere with friendly, respectful relationships among coworkers or students. Social interaction that is mutually enjoyable is fine, as long as it doesn't interfere with work or learning and doesn't offend others. The aim of a harassment prevention policy is to eliminate offensive and illegal interactions, not all interactions.

If a student tells a responsible adult that he or she is being harassed but asks that nothing be done about it, that person does not have to report the complaint. This is a difficult situation, but the adult is responsible for taking steps to report and stop the harassment. It is recommended that they plan the next steps with the student so that he or she feels safe and supported.

Preventing harassment requires a cultural shift in which teachers, school staff, students, and parents identify harassment, understand their role in preventing it, and what they should do if they see it occur.

Policy and Grievance Procedures

Prevention is one of the most effective ways to eliminate bullying and harassment. Strong leaders take a "whole-school" approach to the reduction of bullying and harassment, thereby building and sustaining a culture that embraces diversity. Taking a whole-school approach requires school leadership to:

- Implement comprehensive, well-publicized policies and procedures
- Provide professional development for all district employees about the district harassment policies and procedures so they are knowledgeable about:
  - The OCR definition and serious nature of harassment
  - Their legal obligation to identify, report, and respond to harassment incidents
  - Required intervention when they observe a harassment incident
  - How to support a student who reports or is targeted by harassment
- Inform students, parents, and community members about the district harassment policies and procedures so they know their rights and protections, including:
  - The OCR definition and serious nature of harassment
  - The importance of and procedures for reporting harassment
  - Ways they may help a student who is a victim of harassment
  - Recourse available for victims of harassment
- Require that teachers implement classroom instruction strategies that teach and reinforce inclusive attitudes and actions
- Implement data systems to document and track complaints or grievances
- Organize staff roles and designate a district representative to address harassment complaints (Tofti & Farrington, 2011)

Anti-bullying and harassment policy

A strong, well-publicized harassment prevention policy helps students and staff members understand how the district is protecting their right to a safe and un-biased learning environment. Each school should designate a high-level administrator who oversees and ensures compliance with laws related to harassment. This action will emphasize to parents and the community that eliminating harassment is a high priority for the district.

A harassment prevention policy includes:

- A definition of harassment and bullying
- Examples of behaviors that may be used to harass others
- Consequences for harassment
- Names of people—including at least one man and one woman in each building (if possible)—to whom victims can go if they experience harassment
- Approximate length of time used to investigate a complaint
- Corrective action for a staff member who does not respond appropriately to a harassment complaint
- Delineation of the role of parents with guidelines for their involvement
- Steps that must be taken to help both victims and harassers

Grievance and complaint procedures

Federal law requires schools to have grievance procedures that address sex discrimination (Title IX of the Education Amendments of 1972). It is recommended that schools implement grievance procedures for all forms of harassment to ensure that each complaint is handled appropriately. According to the OCR, a school's grievance procedure should include:

- Formal notice of the procedure to students, parents, and employees, including where complaints can be filed
- Appointment of an impartial investigator for each complainant
- Opportunity for all parties involved to present witnesses and other evidence
- Time frames for the major stages of the complaint process
- Notice given to the parties of the outcome of the complaint
- Assurance that the school will take steps to prevent recurrence of any harassment and that it will correct its effects on the complainant and others where appropriate
- Prohibition of retaliation for filing a complaint or participating in an investigation or inquiry (a legal requirement under federal law)

Other elements that schools should consider including:

- Providing an opportunity to appeal the findings and/or remedy
- Establishing formal and informal means for resolving complaints
- Keeping students informed of the status of their complaints
- Assuring that false reports will not be tolerated and identifying sanctions for violations

Questions to consider

OCR recommends that school districts use the following questions to guide the evaluation of their grievance procedures.

- Is the procedure flexible enough to accommodate the full range of designated types of harassment?
- Is there a friend or advisor who can accompany the student through the complaint process?
- Does the grievance procedure provide an opportunity for informal consultation and, where appropriate, informal resolution before moving into formal procedure?
- After initial contact in the procedure, does the complainant have control over whether future institutional action will be taken and an opportunity to participate in decision making regarding the method for resolving the matter?
- Is the grievance procedure process credible to the constituency it is designed to serve?
- Are persons of authority, credibility, and sensitivity involved in the grievance process?
- Does the grievance procedure provide for independent and impartial investigation that produces persuasive findings based on thorough fact finding, careful review, and opportunity for appeal?
- Is every effort made to protect the confidentiality of the parties?
- Are the rights and reputations of both complainant and recipient protected?
- Is the opportunity for reprisal and retaliation minimized?
- Are there time frames in the procedure to investigate and resolve a complaint?
- Is a thorough investigation and timely remedy possible within the established timetable?
- Does the grievance procedure include an appropriate remedy for the complainant and institutional corrective action where there is a finding of harassment?
- Does the procedure include provisions for quality control, tracking, recordkeeping, and data retrieval?

Public display of bullying and harassment prevention policies and procedures

School staff, students, and parents should be familiar with the district's policies and procedures and be actively involved in a school's prevention efforts. Policies and procedures should be posted in public places accessible to staff and visitors and explained at in-service trainings, assemblies, and community meetings. Doing so will demonstrate the district's commitment to preventing and eliminating all forms of bullying and harassment. All new employees should receive training in the district's bullying and harassment policies and grievance procedures when they join the school community. OCR suggests that schools use a variety of strategies to publicize their harassment policies and grievance procedures.

- Publish the policies and grievance procedures as separate documents and make copies available at various locations in school
- Include the policy and a summary of the procedures in the school's major publications
- Identify individuals who can explain how the procedures work
- Designate an employee with in-depth legal knowledge of harassment issues and the school's grievance procedures as the complaint investigator

Organizational roles and responsibilities

In addition to having strong policies and grievance procedures, districts should establish clear guidelines for students and staff about their role in maintaining a safe learning environment. All staff, both certified and classified, must clearly understand behavioral and physical contact boundaries that will build positive and trusting relationships with students. Moreover, each must confront any biased or discriminatory behavior they observe in themselves and their colleagues. Below are suggestions for organizational roles and responsibilities:

School administrator

- → Confront any biased or discriminatory behavior and, if necessary, begin corrective action
- → Remain informed about harassment legislation and strategies to promote educational equity
- → Develop and implement harassment prevention policies and grievance procedures
- → Organize staff roles and responsibilities
- → Conduct an equity audit and needs assessment to learn more about the harassment problem
- → Provide professional development for all employees in harassment policies and procedures
- → Communicate procedures for reporting inappropriate behavior
- → Train all employees in effectively confronting and reporting harassment

Teacher

→ Speak up and intervene whenever witnessing bullying or harassment or when it is reported to you

→ Communicate harassment issues and concerns to the administrator charged with addressing bullying or harassment issues

→ Take the initiative to get professional development about strategies that promote educational equity and harassment prevention

→ Read and understand harassment/bullying policies and procedures

→ Provide a school and classroom atmosphere where students feel safe sharing harassment information

→ Actively teach students about equity and how to respect students from different backgrounds

Counselors

→ Speak up and intervene whenever witnessing bullying or harassment or when you have been made aware of an issue

→ Communicate harassment issues and concerns to the administrator in charge of addressing these issues

→ Teach students to be peer trainers and advocates

→ Read and understand harassment/bullying policies and procedures

→ Conduct and support cultural awareness training in classrooms

→ Assist in supporting victims and connect to community resources as needed

→ Assist in developing interventions for student harassers

Harassment complaint manager or designee

→ Organize support groups

→ Provide role-playing scenarios for discussion

→ Ensure a safe, comfortable atmosphere for students to discuss and report harassment

→ Provide ongoing support for the victim

→ Act as a parent liaison to administrators and students

→ Act as a student advocate

→ Act as a resource for staff members

→ Advocate for staff and parents

→ Connect student and staff member complainants to resources

How to implement an anti-harassment policy

Creating schools that are free from bias and discrimination requires a shared commitment by all to follow the policy.

Creating schools that are free from bias and discrimination requires a shared commitment by all to follow the policy. Faculty and staff must understand expectations for treating each student with respect. They must also know how to intervene and report all forms of bullying, harassment, and discrimination. In addition to providing information and strategies, professional development sessions give employees a chance to talk with each other about the issues involved in educational equity. The opportunity to talk openly about bias and other causes of inequity are important steps in recognizing and eliminating the problem. To facilitate a positive and safe environment, schools and districts should:

- Train all school staff members to recognize, prevent, and intervene if bullying, harassment, or discrimination occurs
- Provide information and supplementary resources to help teachers use culturally relevant instruction and classroom management
- Provide additional training for employees who have direct responsibility for dealing with harassment situations
  - Counselors, school nurses, or others who are more likely to hear of bullying or harassment should receive additional training in how to support students who report it
  - Administrators who investigate bullying and harassment incidents and assign discipline consequences should understand their responsibilities for investigating and reporting incidents
  - Supervisors should receive training on how to discuss sensitive issues with employees and how to confront suspected perpetrators
- Follow up all training with periodic retraining, observations, and feedback

Students and parents are critical partners in preventing bullying, harassment, and discrimination. It is important that they know how to identify it and who they should talk to if it occurs.

- Teach students about the policies and procedures. Reinforce the value of respect for all and be sure they understand how to treat others with respect. Schools must also teach students what to do if they or someone they know is being victimized.
- Inform parents about the policies and procedures. Make sure parents know how to help if their child is involved in bullying or harassment as the victim, the harasser, or as a bystander. Explain the steps that the district or school will take to stop the behavior.

A companion piece to this guide, *What Students and Parents Should Know About Making Schools Free From Bullying and Harassment*, offers resources to help these important stakeholders know their rights and remedies available to them.

Intervening in Bully and Harassment Behaviors

What educators must do

The first priority of the school leader is to protect the physical and emotional well-being of students. It takes courage for a student to report bullying or harassing behavior; and schools should take all complaints seriously and investigate each one promptly, thoroughly, and consistently. Individuals who investigate complaints should know the laws and district policies.

Unfortunately, there is a tendency to blame or make victims feel responsible for the problem. That attitude is reinforced with statements such as "If you would stand up for yourself, they wouldn't bother you," or "Try to stay away from the students who are bothering you," or "They would stop bothering you if you would stop (dressing, acting, or talking) that way." In addition, telling a victim to ignore the harassment is not appropriate. These types of statements send the message that the student is causing the problem and is responsible for stopping it. Blaming the student increases the student's trauma and distress. Students will only report bullying and harassment if they know that adults will help and protect them. Schools must make good on their word to respect and protect all children and youth from bullying and harassment. Schools that do not fulfill their responsibility to identify and eliminate these behaviors leave themselves open to legal action. Aside from questions of liability, ignoring bullying and harassment is particularly egregious given the research on the tremendous damage such behavior causes to a victim's emotional well-being, sense of safety, and self-esteem.

Some students do not report bullying and harassment because this type of behavior has become the ongoing reality of their lives: parent, siblings, cousins, and neighbors could be targeting the student in and out of school. The victim may have learned to expect this kind of treatment. The research shows children develop many fears related to these experiences: fear of retaliation ("I'll just make it worse"); fear of being blamed for provoking it ("I must have done something wrong"); fear of being challenged or being ridiculed ("I am just weak and stupid"). The young person might feel inadequate to take action, be reluctant to implicate a peer or respected authority figure, or simply want to avoid conflict. Bullied and harassed children need to be heard and taken seriously. By law, the school must become the child's champion.

Schools that address all complaints in a manner that respects and protects the victim, as well as the alleged harasser, will increase the willingness of students and staff members to report harassment. When harassment is identified, school officials should move quickly and decisively to stop the harassment, take corrective action toward the harassers, and provide any needed redress for the victim or victims. If a student or parent reports harassment, school officials should explain the district's grievance procedures and offer the student or parent the opportunity to use them.

Even before an investigation is complete, interim steps may need to be taken. If applicable, the harassment should be reported to law enforcement, the students should be separated, and the child or youth claiming harassment should be transferred to another classroom. Protect the identities of all students involved by not disclosing their names, unless required to by the investigation. Pay close attention to any due process or other rights of the accused, but ensure these do not interfere with protections provided by law to the student making the complaint. All details of the incidents and the actions taken by the school should be thoroughly documented.

> It is essential to ensure that no harm comes to victims, bystanders, or adults who report harassment incidents.

It is essential to ensure that no harm comes to victims, bystanders, or adults who report harassment incidents. The school must take steps to prevent retaliation by anyone. Make sure that individuals who report harassment know the law prohibits retaliation and the school will take strong actions if it occurs.

A student may request confidentiality or ask that the matter not be pursued. Under these circumstances, the school must consider whether the alleged harassment might affect other students. If so, the school may need to take action to protect them from harassment. At a minimum, the school should document all complaints and incidents of harassment so they can identify repeat harassers and take action to stop the harassment. When receiving a complaint, educators should follow these guidelines:

- Offer nonjudgmental support and empathy to the student
- Make sure the student knows that he or she is not to blame
- Listen to the student's entire story and take detailed notes about his or her experience
- Involve the parents as soon as possible
- Make sure that the student and parents understand their rights, the school harassment policy, and what the school will do to resolve the complaint

> Even if a student requests that the school do nothing in response to bullying or harassment, the school must report and take action to stop it and prevent it from happening again.

- Take action to stop the harassment
- Tell the student about community resources that can assist if the complaint is not resolved satisfactorily and provide specific information about how the student can get continued guidance and support
- Provide the student and parents with information about community agencies that may help
- Keep a written record of the complaint, the school's response, and whether the situation was resolved to the satisfaction of the victim (be sure to make copies and save all text or voice messages, emails, pictures, and other images sent through electronic devices)
- Make sure that the harassment stops and take steps to ensure it does not happen again

Cyberbullying and harassment present unique challenges for school administrators. Seventy percent of cyberbullying and harassment incidents are committed outside school hours and off school grounds. If the harassment interferes with the student's ability to benefit from participation in the education program, then the school is responsible for stopping the harassment. For any reported incident the school should be able to answer the following questions:

- Who did it?
- When did it happen?
- Where did it happen?
- What did the person do specifically?
- What was the victim's response?
- What was the response of the harasser?
- Were there any witnesses?
- Is there any evidence that this occurred, such as voice messages, electronic messages or pictures, written notes or graphic images?
- Do the parents/family know what happened?
- Has anything like this happened before?
- What needs to happen for the victim to feel safe and satisfied?
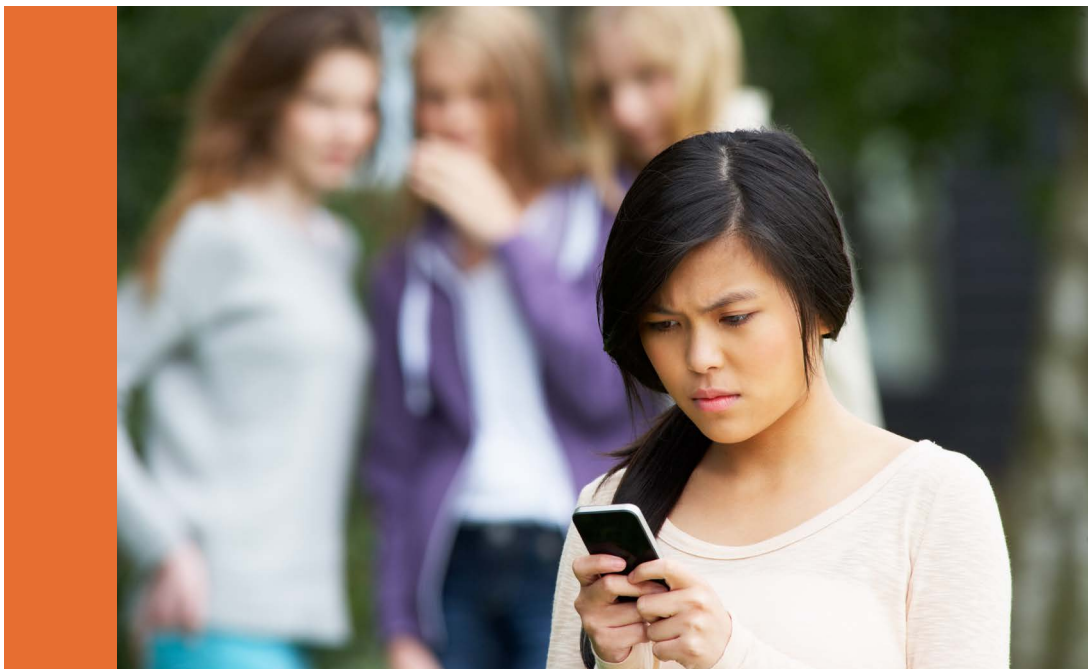
One district's approach

Many districts have developed successful interventions that have reduced harassment in their schools. In the example below, the district created an anti-harassment policy and procedure by first convening a meeting of a core group of select individuals, including campus principals, representatives from the district's discipline committee, counselors, and nurses. The committee reviewed every document that referred to bullying or harassment to:

- Ensure they provided a clearly stated policy and procedures regarding harassment
- Note any significant discrepancies or omissions

The claims investigators then provided an overview of any peer-to-peer harassment complaints to principals at each of the elementary and secondary schools to:

- Raise awareness about the prevalence of harassment among students and the legal issues
- Review the proposed changes and modifications to the policies, procedures, and sanctions resulting from the first committee meeting
- Discuss the training and implementation plan for staff and students
- Provide input regarding letters of notification to parents about the upcoming awareness training for students

The district called a community awareness meeting for community representatives to share the district's harassment prevention plan and created an introductory presentation for secondary students on:

- What harassment is by law
- What behaviors constitute harassment
- What the prohibitions against harassment are
- What to do if they are being harassed

The district provided representatives from each of the district's schools with a four-day training using a train-the-trainers model to focus on:

- The parameters of the problem
- Survey data about student-to-student harassment
- Curricula and supplementary resources for teaching appropriate behaviors
- Policies and lesson demonstrations

Also included in trainings and planning meetings was a representative group of district counselors, nurses, and social workers in anticipation of possible disclosures and complaints of harassment. An outside equity coordinator provided follow-up activities, including observation and feedback on the training awareness sessions and input on the training implementation.

Within the school workplace, harassment can also occur between adults. Some incidents may involve a supervisor and an employee or interactions between co-workers. Teachers or school employees might also report incidents of being harassed by students. The definition of harassment used for student-to-student harassment also applies to incidents involving adults. If an adult employee is the victim of harassment, he or she might decide to confront the harasser directly or report it immediately to his or her supervisor. Adults might obtain legal counsel. In any case, the school investigator should document a detailed account of the harassment as soon as possible. An adult who confronts a bully or harasser should have a mediator present to witness the meeting and offer support. A formal report should be submitted to the school and every effort must be made to provide protection from further incidents.

What students should know and do

Schools must inform students of their rights and responsibilities related to bullying and harassment. Their active involvement in preventing harassment is critical to establishing a tolerant and inclusive school culture. Schools should teach students how to identify these behaviors and what to do if they are victims or witness such behavior. Students should also know their rights as students in general and their rights for legal recourse if they have problems with harassment.

A companion piece to this guide, *What Students and Parents Should Know About Making Schools Free From Bullying and Harassment*, offers resources to help these important stakeholders know their rights and remedies available to them.

Appendix A: Selected Incidents and Responses

School staff must know their legal responsibilities in response to specific incidents of harassment. The preamble to the *Revised Sexual Harassment Guidelines: Harassment of Students by School Employees, Other Students, or Third Parties* published by the Office for Civil Rights (OCR) pertains to all forms of school-based harassment (U.S. Department of Education, Office for Civil Rights, 2001).

If harassment has occurred, doing nothing is always the wrong response. However, depending on the circumstances, there may be more than one right way to respond. The important thing for school employees or officials to pay attention to is the school environment and not to hesitate to respond to sexual harassment in the same commonsense manner as they would to other types of serious misconduct.

It is also important that schools not overreact. School personnel should consider age and maturity of students in responding to allegations of sexual harassment.

Using documents from the OCR, the Equity Assistance Center analyzed incidents described in this section, which fall into two categories: race (or national origin) and gender. The selected incidents provide a range of situations and diverse school responses. Center staff members edited the incident descriptions and school responses for clarity and removed any information that could identify the schools, students, or staff.

The analyses focus on the salient issue or issues specific to each incident. However, the incident description may not include all components essential to an effective response across similar situations due to variations in the school, student characteristics, and seriousness of the behavior. Consequently, any response to incidents of alleged harassment or any formal evaluation of a school's response should consider the unique characteristics of each individual situation.

Race or National Origin – Verbal Behavior

Incident 1. Latino students who were new to a school experienced name-calling by European American male students. One fight occurred. The problem became a community issue. European Americans said they were afraid that Latino gangs existed in the community. A New Year's Eve fight occurred among adults, and the sheriff intervened.

School's response: The principal did not deal with the conflict initially. Before the brawl, a teacher reported the name-calling and fights to the superintendent, who deferred to the principal. The name-calling continued. After the sheriff became involved, the state department of education was notified of the situation.

Equity Center analysis: The school and district neglected to respond to ongoing behavior and discipline students according to any existing school or district policies and procedures. If a formal complaint were filed, the lack of response could expose the district to legal liability under federal civil rights laws. In investigating racial harassment complaints, the Office for Civil Rights establishes a violation of Title VI of the Civil Rights Act of 1964 when it finds the following three conditions:

→ A racially hostile environment exists

→ The school knows of the racially hostile environment or should have known because of its pervasiveness, persistence, or severity

→ The school fails to respond adequately to eliminate the hostile environment

To resolve this situation and prevent recurrence, the district would have to:

→ Distribute and enforce clearly stated harassment policy and grievance procedures

→ Provide, on a routine basis, anti-discrimination and harassment training for all district and school-level administrative staff

Incident 2. In the first week of school, a student threatened an African American student with a knife. Throughout the year, students repeatedly called the African American student racial slurs and made threats. At one school event, students threw food at this student.

School's response: The administration warned and suspended the responsible students and informed their parents. A teacher notified the local police, who became involved. As a result, the incidents became less frequent.

Equity Center analysis: School officials must take timely, effective, and reasonable steps to eliminate harassment based on race if they know about it or if it is reasonable to conclude that they *should* have known about the alleged harassment. In some cases where officials do not receive direct notice, the pervasiveness, persistence, or severity of the behavior may in itself imply knowledge of the harassment and thus confer the responsibility to take appropriate action. Even behavior that is not explicitly racial can impose this responsibility if schools have adequate information to conclude that the incident may be racially motivated.

In this particular case, given the likelihood of racial motivation and the severity of the first incident (threatening with a knife), school officials should have taken immediate action to:

- Stop the behavior
- Address any related effects on the victim and the larger school community
- Discipline and educate the perpetrator
- Prevent future occurrences

Simply reducing the frequency of the alleged harassment in response to a growing problem is not sufficient to ensure a safe, nondiscriminatory educational environment. Further, the school should develop and enforce harassment policy and grievance procedures, clearly indicating staff responsibilities and sanctions for violation.

Incident 3. A Latino male student who was a popular athlete in school was talking to a group of students when a European American male called him a racial epithet. The Latino student responded by hitting the name-caller in the face. In an investigation, the European American student claimed he was trying to "fit in" and wanted to be liked by the popular Latino student. He said he had frequently heard friends of the Latino student call him this name. The Latino student had laughed or joked in response to his friends. Further investigation confirmed this.

School's response: The school administration instructed staff to conduct awareness sessions with their homeroom students that focused on racial and other kinds of harassment. The session emphasized that negative comments would not be tolerated and "I was only joking" or "she or he is my friend" did not justify discriminatory remarks. The sessions also included discussion about individuality. Officials suspended the students involved in the incident. In addition, they had to develop ways to work together to avoid this type of incident in the future.

Equity Center analysis: The school responded effectively by taking measures to stop the behavior, investigate the incident thoroughly, and address both the impact of the behavior on the students involved, as well as implications for the school environment as a whole. Mandating awareness sessions can help to increase students' understanding of the denigrating effects of ethnic name-calling and the potential for physical aggression and violence it carries. Further prevention efforts might involve schoolwide educational or training activities in peer mediation, conflict resolution, and cross-cultural awareness.

Incident 4. A few days before the end of the school year, the seniors held an auction where a Latino student was "sold." The principal, who was the master of ceremonies, made the comment, "He won't even steal your hubcaps." The student knew the racist nature of the statement, but did not want to raise the issue.

School's response: None.

Equity Center analysis: Prejudicial comments that originate with school leadership are likely to produce even greater consequences and undermine equity throughout the entire school setting. If faculty members are uncomfortable discussing a situation with the principal or do not feel that reporting the behavior to him would result in an adequate response, they should inform district-level staff. Other recommended actions include:

- Discussing the implications of this behavior among staff and students to increase awareness
- Providing anti-discrimination/bias training for the principal and other administrative staff
- Addressing the effects of these prejudicial comments on the student involved and his reluctance to confront the issue

If this behavior is part of a larger pattern of similar behavior directed at the targeted student, the administration should make the student aware of complaint options, as well as the school and district obligations to comply with student confidentiality standards.

Race or National Origin–Physical and Nonverbal Behavior

Incident 1. A Latino parent complained that her child and other minority students were stereotyped in the school's yearbook by labeling her son "most likely to be in jail in five years." She felt that the school had harassed him and other students of color by allowing this stereotypical portrayal.

School's response: The yearbook advisor and principal apologized to the parent and indicated that the labeling reflected the insensitivity of the students who produced the yearbook. Unsatisfied, the parent wanted the yearbooks recalled and different wording and pictures inserted. This incident seemed to bring about increased sensitivity and awareness among school staff.

Equity Center analysis: The school environment includes any displays on school property and publications the school may develop. All aspects of the environment should reflect sensitivity to diverse people and cultures. Validating the parents' complaint by looking into the situation and responding with an apology affirmed the principal's stance toward bias and stereotyping and resulted in increased awareness of these issues among staff. Further measures to address this situation might include:

- Discussing bias and stereotyping with the students involved
- Clarifying for all students the school's stance toward stereotypical behavior and language
- Training staff on their responsibilities concerning harassment and yearbook content

Incident 2. After school hours, two large groups of European American and Latino students began to fight outside the school. Teachers and administrators did not intervene out of fear for personal safety.

School's response: The next day, mediation occurred between the two groups. All teachers later attended a harassment workshop. These actions seemed to be temporarily effective. Mediation is still in place but problems remain.

Equity Center analysis: Because staff feared for their safety, they or the administration should report the physical confrontation to law enforcement. Administrative staff responsibilities include:

- Invoking school disciplinary procedures and applying them appropriately to all students involved
- Addressing any effect on students who may have been victims of harassment
- Taking steps to prevent future recurrence

While mediation is one effective means of prevention, larger school climate issues are addressed through curriculum, training, and school policy.

Incident 3. After school hours, a group of European American students verbally harassed and physically assaulted a male Asian American student near the school but off school grounds. An older student witnessed the assault and provided information to the administration and law enforcement officials. One of the students who had participated in the assault later harassed and threatened the older student, attempting to force him to change his statement.

School's response: School officials conducted an investigation, met with the victim and his family, and disciplined the perpetrators based on their level of involvement. The police cited several students for assault. The student who had threatened the witness was expelled. School administrators believed their actions sent a strong message to the staff, students, and community about the district's strong policy against violence whether it occurs during or after school hours or on or off school grounds.

Equity Center analysis: The school's response appears appropriate and consistent with school disciplinary policies. Anyone reporting what she or he perceives to be an incident of harassment must feel protected from threats or acts of retaliation. Further steps might include training and educational programs for all staff and students on issues of harassment and diversity.

Gender–Verbal Behavior

Incident 1. A second-grade Latino male made inappropriate sexual comments to a female classmate. He was limited English proficient, and his parents did not speak English.

School's response: With the aid of a native Spanish speaker, both the boy and his parents received information on appropriate behavior expectations. The behavior stopped. The administrations' response satisfied the girl's parents.

Equity Center analysis: Notice of alleged sexual harassment imposes a duty on a school's administration to conduct an investigation and determine whether harassment has occurred. If they find that harassment occurred, school officials must take reasonable, age-appropriate steps to stop the behavior, address the effects on the harassed individual, and prevent any recurrence. School officials appear to have considered the factors specific to the students involved in the incident. While suspension or other form of discipline may be appropriate for an older student, counseling alone or a clear verbal explanation of school rules may be more effective and appropriate for an elementary age student. School officials also appropriately met the needs of the accused student and family by providing a translator. Prevention efforts also might entail similar bilingual or multilingual clarification of behavior expectations, either written or verbal, for the entire school community, including parents, students, and staff.

Incident 2. A high school student running for office told sexual stories and made comments of a sexual nature against her opponent, who was also female.

School's response: Staff and building administrators did nothing for a year in response to these acts. The district later became involved and conducted an investigation. They canceled elections until the investigation was complete and disciplinary action had been taken. The investigation revealed the need to apply disciplinary procedures with respect to the actions of both the student and the staff members involved.

Equity Center analysis: School staff should have responded promptly by following school policies and procedures covering discrimination on the basis of sex. Alleged harassment of a sexual nature between two students of the same sex should be handled in the same manner as sexual harassment between male and female students. If the school determined that sexual harassment took place, actions should have included:

- Stopping the behavior
- Applying appropriate disciplinary procedures
- Addressing any related effects on the student harassed
- Preventing future occurrence

To address any effects on the harassed student, the school could hold a new campaign with clearly stated rules and guidelines for appropriate campaigning techniques. Prevention efforts should include training for school administrators, staff, and students on the school's definition of sexual harassment and related reporting and responding procedures.

Incident 3. A group of boys frequently made comments to a female student about her breasts. They continued the behavior after she told them to stop. She reported the situation to a school administrator.

School's response: The school administrator spoke with the girl, helped her file a complaint, and called her parents to let them know what had happened. He also called the parents of the students harassing the girl and conducted a full investigation. He subsequently suspended the harassing boys, informed them and their parents about school policy, and referred them to a counselor. While the actions taken stopped the behavior, school staff recognized a further need to educate all students about issues surrounding sexual harassment.

Equity Center analysis: The school administration responded appropriately by immediately:

- Assisting the student alleging harassment with formal complaint procedures
- Investigating and stopping the behavior
- Including parents at all stages of the process

Schoolwide prevention could focus on increasing student understanding by clearly defining the offensive behavior, the consequences of such harassment, and the necessary steps for reporting and combating harassing behavior.

Incident 4. Middle school students repeatedly called other students inappropriate names relating to gender, sexuality, and socioeconomic status in the hallways between classes.

School's response: A group of teachers initiated an awareness program developed from written comments of students, counselors, and staff. Students presented the program addressing some of the most pertinent issues in an assembly lasting 40 minutes. Teachers then led classroom discussions on students' feelings, reactions, and solutions. The school also administered a student survey on school safety.

With this response, student awareness increased somewhat. However, the worst offenders did not seem affected. Because the administration did not take the lead, students felt that if they reported an incident, nothing would be done. One staff member suggested offering a similar assembly to other nearby middle schools to open channels of communication on these issues both within and among local schools.

Equity Center analysis: The description given implies that this behavior pervades the school climate and may have created a hostile school environment. The Office for Civil Rights (OCR) can view together incidents of sexual harassment and nonsexual, gender-based harassment—for example, taunts based on sexual orientation or the victim's failure to conform to sex stereotypes of masculinity and femininity—when determining whether a hostile environment exists. Additional factors that may have compromised school safety in this setting include:

- Students' perception of a lack of consequences for acts of harassment
- The absence of any recourse for harassed students
- A lack of common understanding and denial regarding the issues

Although the teachers' actions were laudable, the administration should have taken affirmative steps to investigate, identify responsible students, and stop the behavior. All staff should receive training in strategies that focus on their responsibility for ensuring a safe and healthful school environment.

Incident 5. "Big Johnson" and "Coed Naked" t-shirts became popular among certain groups of students. Administrators disallowed them despite First Amendment claims.

School's response: The vice principal met with a student forum to discuss the situation. She explained the issue of offending others, even a small minority. Students balked at participating in the discussion and wore the "outlawed" t-shirts to the meeting. The action taken proved effective, however. Students stopped wearing the t-shirts or began wearing jackets over them without complaint.

Equity Center analysis: Public schools have a responsibility to uphold the constitutional rights of all students both in the classroom and in school-related educational programs or activities. While the First Amendment may prohibit school officials from restricting certain forms of speech or expression that are offensive to some, it does not prohibit officials from condemning behavior and speaking out strongly against improper conduct. In this case, approaching this issue through discussion seemed to result in an increased understanding among students of the administrator's position regarding inappropriate clothing. The Office for Civil Rights recognizes that particular expressions are offensive to some students. This does not in itself form a legally sufficient basis to establish a sexually hostile environment under Title IX. To establish a violation of Title IX, the harassment must be sufficiently severe, pervasive, or persistent to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive educational environment.

Gender–Physical and Nonverbal Behavior

Incident 1. A group of students performed a strip tease during a school assembly.

School's response: The strip tease did not "faze" some people while others became very offended. The administration wanted to deal with the matter privately. Others wanted a public response. The actual response included staff training and an all-school discussion. The students involved in the strip tease received disciplinary action. An all-school presentation and discussion occurred. All classrooms received a TV video message from the principal in which he presented the definition of harassment. All teachers received guidelines to use in classroom discussions.

Equity Center analysis: District policy and school procedures should be comprehensive enough in scope and depth to be responsive to all forms of possible harassment. In this case, the school appeared to follow procedures that prompted a comprehensive response involving education, training, and discussion of harassment and related topics. Staff and students received information to enable them to clearly understand what constitutes harassment and discrimination, as well as the consequences associated with such acts. The school should take continuous steps to ensure full understanding of the serious implications of harassment. Maintaining a safe and harassment-free climate will not be accomplished by providing a one-time workshop; this requires ongoing education of the school community, ensuring the use of nonbiased curriculum and continuous leadership and support from the school administration.

Incident 2. A male elementary student sexually harassed (with the intent of sexually abusing) an elementary female student.

School's response: Teachers, administrators, students, and parents were interviewed. An attorney provided advice. The male student was transferred to a neighboring elementary school. The school district employed an education assistant to shadow and supervise him. The school used this solution model in similar situations.

Equity Center analysis: School staff apparently took reasonable steps to stop the behavior. Before undertaking an investigation, however, administrators should inform parents of the school grievance procedures and options for both formal and informal action. Administrators should also make certain that remedies and measures designed to respond to harassment in this type of situation are:

- Age-appropriate
- Tailored to the circumstances of the particular situation
- Effective in addressing all effects on the victims of harassment
- Reasonably likely to prevent future occurrences

Prevention efforts could include counseling of the male student and communication and reinforcement of behavior standards for all students.

Incident 3. A male high school student touched a female student's breasts in class. Both are special education students.

School's response: A paraprofessional witnessed the interaction and determined it was offensive and inappropriate. The teacher reported the behavior immediately to the administration. The school investigated and documented the incident. The boy and the girl both said they were "just playing around." Staff removed the male student, who had been acting as a teacher's assistant, from the classroom. An on-duty police officer explained sexual harassment to him.

Equity Center analysis: Although the results of the investigation are not provided, the incident as described above implies that neither student was participating unwillingly. If the behavior was not unwanted and not pervasive or persistent enough to constitute a hostile environment for others, it may not constitute harassment. School staff, however, appropriately reported the behavior, and the administration investigated and documented the incident. The administration should explain sexual harassment to the female student, not just the male student, and address the concerns of the observer (the paraprofessional) who found the behavior "offensive and inappropriate."

Appendix B: Agencies and Organizations

Equity Assistance Centers

There are 10 Equity Assistance Centers (EACs) funded by the U.S. Department of Education under Title IV of the 1964 Civil Rights Act. These centers provide assistance to public schools in the areas of race, gender, and national education equity to promote equal educational opportunities for each student. EAC services are available upon request by teachers, principals, parents, community leaders, and state and district administrators.

Equity Assistance Center services include:

- Professional development to increase skills of educators, parents, and community members that will promote educational equity, such as:
  - Disseminating information on effective education practices
  - Explaining legal requirements related to nondiscrimination on the basis of race, sex, and national origin in education programs
  - Instructing school administrators and staff members on how to prevent harassment, bullying, and reduce discrimination
  - Developing materials, strategies, and professional development activities to assist schools and communities in preventing and countering harassment based on ethnicity or gender
- Providing technical assistance in the identification and selection of appropriate education programs to meet the needs of limited English proficient students

Office for Civil Rights (OCR)

Federal civil rights laws and important court decisions guide the development of policies and practices concerning school-based harassment, especially sexual harassment. Below are key legislation and court rulings that influenced interpretation of civil rights laws. This list is neither exhaustive nor does it include state legislation related to school-based harassment. Contact the Office for Civil Rights in your region or your school district's legal representative for legal guidance and assistance.

Title VI of the Civil Rights Act of 1964. No person in the United States shall, on the grounds of race, color, or national original, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, religion, or sex. Sex discrimination, as interpreted by the courts, includes sexual harassment. The law covers all employees in public and private institutions having 15 or more employees, including student employees.

Title IX of the Education Amendments of 1972. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Act of 1991 amends Title VII by allowing damages for emotional distress and punitive damages for employees of private institutions. Compensatory damages, but no punitive damages, are available to public employees.

The Hate Crimes Prevention Act of 1999 extends the protection of the current federal hate crimes law to include criminal acts motivated by hatred against a victim based on his or her sexual orientation, gender, or disability. Hate crimes (also called bias-motivated crimes) are defined as offenses committed against someone because of his or her perceived membership in a certain social group based on race, sex, national origin, disability, or gender identity. Examples of behaviors associated with hate crimes include physical assault, property damage, bullying, harassment, verbal abuse or insults, or offensive graffiti, letters, or other correspondence.

Family Educational Rights and Privacy Act (FERPA) forbids disclosing education-record information without student or parent permission. Written information about a harassment complaint, investigation, and outcome, under Title IX, becomes part of a harassing student's education record. FERPA and Title IX—the latter allowing schools to inform harassment victims of investigation results to assure victims that their complaints have been taken seriously—appear to be in conflict. However, new guidance provided by the U.S. Department of Education (2011b) allows school officials to inform the harassed student about the outcome of the investigation and sanctions imposed on the student who is found to have engaged in harassment when the sanction directly relates to the harassed student. For example, school officials may tell a student who was harassed that the perpetrator will not be in school or is transferred to other classes for the rest of the year because this information directly relates to the school's efforts to eliminate the hostile environment. However, disclosure of other information in the perpetrator's education record, including sanctions that do not relate to the harassed student, may result in violation of FERPA.

Selected Court and OCR Decisions

- The Supreme Court ruled in Gebser v. Lago Vista Independent School District (1998) that a school (includes all schools, colleges, universities, and other educational institutions that receive federal funds) can be liable for monetary damages if a teacher sexually harasses a student, an official who has authority to address the harassment has knowledge of the harassment, and that official is deliberately indifferent in responding to the harassment.

- The U.S. Supreme Court ruled in Franklin v. Gwinnett County Public Schools that where an implied private right to sue exists, money damages are recoverable. There are implied private rights to sue under the Title IX and the Rehabilitation Act of 1973.

- Updating the decision of the U.S. Court of Appeals for the 11th Circuit in Davis v. Monroe County Board of Education (1996), the U.S. Supreme Court ruled in 1999 that a district may be liable for monetary damages under Title IX of the Education Amendments of 1972 if one student sexually harasses another student in the school's program and the conditions of Gebser (above) are met.

- The U.S. Court of Appeals for the 11th Circuit ruled in Davis v. Monroe County Board of Education (1996) that a district could be sued for monetary damages if school authorities know about but fail to act on a sexually hostile educational environment created by student-to-student sexual harassment.

- The U.S. Court of Appeals for the 7th Circuit ruled in Nabozny v. Podlesny (1996) that the school district violated Nabozny's rights to equal protection and due process when it refused to protect him from antigay abuse and enhanced his risk of harm by creating a climate in which violent antigay abuse was tolerated. This decision led the federal government to clarify that sexual harassment directed at lesbian and gay students is also covered by Title IX of the Education Amendments of 1972.

- Doe v. Petaluma (1995) found that Title IX protects students against sexual harassment when a hostile education environment is created even if the students themselves create the environment. Further, the district can be held liable for damages if it intended to discriminate against a student by not taking action upon the plaintiff's complaint. Failure to act can be evidence of intention to discriminate.

- The Supreme Court ruled in Faragher v. City of Boca Raton (1998) that an employer could be held liable under Title VII of the Civil Rights Act of 1964 for the actions of a supervisor who creates a sexually hostile environment for an employee.

- In Burlington Industries Inc. v. Ellerth (1998), the Supreme Court ruled that an employer could be held liable under Title VII when a supervisor makes sexual advances or creates a hostile work environment for an employee, even if the employee suffers no tangible job consequences (such as loss of promotion). However, in a case involving no tangible consequences, an employer can defend itself by showing that it took action to prevent and respond to sexual harassment and that the complaining employee failed to follow complaint procedures.

- The Supreme Court ruled in Onacle v. Sundowner Offshore Services (1998) that Title VII covers sexual harassment involving workers of the same sex. The court's ruling came in the case of a male oilrig worker who alleged he was sexually taunted and abused by his male coworkers.

- In a situation involving a school district in Washington State, the Office for Civil Rights found that a teacher who repeatedly treated minority students in a racially derogatory manner violated Title VI by creating a racially hostile environment.

- In Walker v. Ford Motor Company (1982), the 11th Circuit Court found that a racially hostile environment was created by the "repeated, continuous, and prolonged" use of derogatory terms.

The OCR also has a series of "Dear Colleague" letters that provide guidance and background on specific types of harassment:

U.S. Department of Education, Office for Civil Rights. (2010a, October 26). *Dear Colleague Letter: Harassment and bullying.* Retrieved from http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf

U.S. Department of Education, Office for Civil Rights. (2010b). *Dear Colleague Letter: Harassment and bullying (October 26, 2010): Background, summary, and fast facts.* Retrieved from http://www2.ed.gov/about/offices/list/ocr/docs/dcl-fact-sheet-201010.pdf

U.S. Department of Education, Office for Civil Rights. (2011a, April 4). *Dear Colleague Letter: Sexual violence.* Retrieved from http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

U.S. Department of Education, Office for Civil Rights. (2011b, April 4). *Dear Colleague Letter: Sexual violence: Background, summary, and fast facts.* Retrieved from http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.pdf

Appendix C: Reproducible Information Sheets

What Educators Need to Know and Do

All students have the right under federal law (and most state laws) to attend schools that are safe, welcoming, and do not allow harassment. Educators are responsible for preventing harassment and taking action immediately if it occurs. By law, you must stop the harassment, prevent it from happening again, and provide help to the victim. The school must also protect students from retaliation for telling and asking for help.

Your school should have a harassment policy and grievance procedures that tell how you should respond if it happens. This policy should be available to you, your students, and the community. Often, the policy is part of the student handbook and posted in public places.

What is harassment?

Harassment is unwanted behavior directed at someone because of his or her race, color, sex, disability, or national origin that creates a hostile learning or working environment. The behavior may be gestures, verbal, written, or physical forms of aggression. It can be blatant or subtle, one incident or a pattern. It can happen between students, between adults, or between an adult and a student. It can happen at any age. It may happen directly between two people, indirectly through rumors, or electronically. Some examples are:

- Providing unequal educational opportunities
- Using teaching materials that contain biased curricular content
- Disproportionate discipline practices for similar behaviors
- Verbal and physical acts of disrespect; including name calling, insults, offensive jokes, threats, and physical aggression
- Ignoring or excluding someone from school activities or events
- Displaying offensive graffiti, pictures, or written material
- Ignoring or excluding someone from school activities or events
- Sexual harassment is unwanted verbal, nonverbal, or physical conduct of a sexual nature that creates a hostile learning environment. Sexual harassment is different than flirting. Flirting is okay if it is between your child and another classmate, and both welcome the flirting behavior. It is never okay for adults to flirt with your child or for flirting to continue if your child asks for it to stop. Examples of sexual harassment include, but are not limited to, the following:
  - Anytime an adult shows sexual interest in a student
  - Unwelcome touching, invading someone's personal space, or other sexual advances
  - Jokes, suggestive remarks, sexual innuendoes, sounds, or gestures

- Unwanted comments about someone's dress or appearance
- Displaying sexually suggestive pictures or written material
- Threatening or using intimidation to gain sexual favors

How Educators Can Prevent Harassment

- Read and understand your district or school's harassment policies
- Acknowledge your own biases and actions
- Seek out opportunities to learn about the cultural background or your students
- Examine curricula and learning materials for bias
- Teach students how to respect and learn alongside students from different backgrounds
- Build relationships with families and community members
- Speak up and confront prejudice and discrimination. Deal with it directly and, if necessary, report it
- Watch for warning signs that a student may be a victim of harassment
  - Increased school absences
  - Decrease in class participation
  - Complaints about personal problems
  - Anxiety, mood changes, or signs of depression

How Educators Should Respond to Harassment

- Offer support and empathy to the student
- Make sure the student knows that he or she is not to blame
- Actively listen to the student's complaint
- Make sure that the student and his or her parents understand their rights, the school harassment policy, and what the school will do to resolve the complaint
- Take action to stop the harassment
- Keep a written record of the student's complaint, the school's response, the results of the school's actions, and whether the situation was resolved to the satisfaction of the victim
- Involve the parents as much as possible
- Provide the student and parents with information about community resources that may help
- Prevent recurrence of the harassment of the victim and others

Educators must report all harassment. Sometimes students will ask the school to do nothing. If this happens, it is important to listen to their concerns. Tell them that your first priority is to protect their safety. Ask the students to help you plan how to report and investigate the incident.

What Students Need to Know

Every student has the right to be safe and to have others treat him or her with respect. Nearly all students report that bullying and harassment are big problems in their schools. They say it happens a lot and is hurtful. In fact, it happens so often that many believe it is a normal part of school. Some also think that students who are harassed must have done something wrong or are partly to blame for the problem. This is not true! If you are the target of harassment, it is never your fault. Choosing to bully or harass someone, even if you are upset, is never okay.

Harassment can cause you to feel guilty, trapped, helpless, frustrated, resentful, angry, hopeless, or alone. You may also feel confused and that it is partly your fault. If you are the target of harassment, you should report it. If you know others who are victims of harassment, you should talk to them and help them to report it. Help is available if it is happening to you or someone you know.

Your school should have a policy that will tell you what to do if you have problems with bullying and harassment. The following information explains what you should know and do to stop harassment.

What is harassment?

Harassment is unwanted behavior directed at anyone because of their race, color, sex, disability, or national origin that makes it hard to learn or do activities at your school. It can be blatant or subtle, happen once or many times. It can happen between students, between adults, or between an adult and a student. It may happen directly between two people, indirectly through gossip, or electronically.

If you know that harassment is happening to you or anyone else, you should always report it. Examples of harassment are:

- Calling names, insults, rude comments, or jokes
- Writing hurtful graffiti, drawing pictures, or circulating written material
- Ignoring or leaving someone out of school activities or events
- Scaring or intimidating someone by standing too close, gesturing, staring, or projecting mean looks
- Threatening, hitting, or hurting someone

Sexual harassment is unwanted behavior from students or adults that causes you to feel uncomfortable or upset. The unwelcome behavior may be verbal, nonverbal, or physical. Sexual harassment is against the law. You should always report it. Some examples are:

- Any interest an adult shows in you that is sexual
- Verbal comments, touching, or gestures
- Jokes or comments about how you dress or look
- Showing you pictures or notes that are sexual in nature
- Threatening or intimidating you to engage in sexual behaviors

What should I do?

Remember that harassment is not your fault and you are not alone. If you think you are being sexually harassed do the following:

- Do not blame yourself—harassment is wrong and not your fault
- Tell an adult staff or your parent or enlist a friend to help you
- Write down who did it, when, and what happened

When you must tell someone

There are certain times when harassment is going on that you should immediately talk to an adult or someone else. Talk to someone if:

- The harasser tries to make you promise to keep the harassment a secret
- If the harasser is an adult
- If the harassment happens only when you are alone with that person
- If you are being physically threatened or hurt

If someone else is being harassed

If your friend or someone you know is a victim of harassment, you can help him or her in important ways. Be a good listener. Remind your friend that the harassment is not their fault. Tell your friend how important it is to report the problem and get help. Help your friend to write down everything that happened.

What Families and Communities Should Do

Your child has the right to be safe and to have others treat him or her with respect. Harassment is a serious problem. Almost all students report seeing harassment and too many are victims. Harassment makes it hard for students to learn or feel welcome at their school. Many students do not report harassment because they are afraid that the problem will get worse.

Parents can help in important ways. You can help schools prevent harassment by helping your children to respect everyone even when they are different. You can also teach your child about people from different cultures. Some parents do this by reading books with their children or taking them to multicultural events.

Parents also help their child understand how important it is to report harassment. Students will often tell their parents when they are victimized. Your support can help the school stop the harassment and keep all children safe. By discussing harassment at home, your child may be more comfortable talking to you about any problems with harassment.

Your child's school must have a harassment policy that will tell you what to do if your child has problems with harassment. The policy should define harassment, tell you how to report it, and list steps the school must take if your child is a victim of harassment.

What is harassment?

Harassment is unwanted behavior directed at a student or a group because of race, color, sex, disability, or national origin that creates a hostile learning environment. The behavior may be gestures, verbal, written, or physical forms of aggression. Harassment can be blatant or subtle, one incident or a pattern. It can happen between students, between adults, or between an adult and a student. It can happen at any age. It may happen directly between two people, indirectly through rumors, or electronically. Some examples are:

- Providing unequal educational opportunities
- Using teaching materials that contain biased curricular content
- Disproportionate discipline practices for similar behaviors
- Verbal and physical acts of disrespect including name-calling, insults, offensive jokes, threats, and physical aggression
- Ignoring or excluding someone from school activities or events
- Displaying offensive graffiti, pictures, or written material

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- Ignoring or excluding someone from school activities or events
- Displaying offensive graffiti, pictures, or written material
- Ignoring or excluding someone from school activities or events

Sexual harassment is unwanted verbal, nonverbal, or physical conduct of a sexual nature that creates a hostile learning environment. Flirting is different from sexual harassment. It is never okay for adults to show sexual interest in your child or for flirting to continue if your child asks for it to stop. Some examples of sexual harassment are:

- Anytime an adult shows sexual interest in a student
- Unwelcome touching, invading someone's personal space, or other sexual advances
- Jokes, suggestive remarks, sexual innuendoes, sounds, or gestures
- Unwanted comments about someone's dress or appearance
- Displaying sexually suggestive pictures or written material
- Threatening or using intimidation to gain sexual favors

What are my child's rights?

Your child has the right under federal law (and most state laws) to attend a school that is safe, welcoming, and does not allow harassment. If your child is a target of harassment, you have the right to ask the school to stop it immediately. Your school should take steps to stop the harassment and prevent it from happening again. The school should also help your child get counseling or other help if needed. Finally, the school must protect you and your child from retaliation for telling and asking for help.

Your child's school must have a policy to prevent harassment and a plan to deal with harassment if it happens. This policy should be available to you. Often, the policy is part of the student handbook and posted in public places. It should describe your child's rights, identify a person who can help you, and explains the steps for asking for help.

How can I help prevent harassment?

- Ask the school for information about your child's civil rights and responsibilities
- Learn how you can advocate for your child or others if needed
- Ask your child's teacher how they help children learn and respect others from different cultures. You should also learn how he or she prevents harassment in the classroom and how they respond to incidents that occur.
- Ask teachers how you can help support their efforts to prevent harassment
- Ask the school to include information about the district or school's harassment policy in the parent newsletters
- Speak up and confront prejudice and discrimination. Deal with it directly and, if necessary, report it

How can I help my child?

- Tell your child that the harassment is not their fault
- Write down everything including who did it, when, and what happened
- Help your child report the harassment to school administrators. If that person does not help, tell someone else. Keep a journal of all conversations.
- Make sure that the school takes immediate action to protect your child

Appendix D: Selected Resources

The following websites are a starting point in the search for information on school-based harassment. However, Internet addresses change frequently, and individuals seeking information on harassment may also find it helpful to undertake a search on the topic for the latest sites.

Organizations

American Civil Liberties Union (ACLU). The ACLU defends and preserves the individual rights and liberties guaranteed to all people by the Constitution and laws of the United States. They fight civil liberties violations in courts, legislatures, and communities. www.aclu.org

Anti-Defamation League of B'nai B'rith (ADL). The World of Difference Institute is a technical assistance and consulting organization. Their goals include recognizing bias and the harm it inflicts on individuals and society; exploring the value of diversity and improving intergroup relations; and combating racism, anti-Semitism, and all forms of prejudice and bigotry. www.adl.org/awod/awod_institute.html

State Departments of Education have equal education opportunity offices. Those offices may have information on curriculum guides, seminars, videotapes, and other resources.

Equity Assistance Centers (EACs). Ten federally funded regional Title IV EACs assist educators to create safe, positive, and biasfree educational environments for all students. EAC efforts cut across categories of race, national origin, and gender. See appendix B for more information about the EACS and the center serving the Northwest and Pacific Regions.

Facing History and Ourselves National Foundation, Inc. is a national educational and professional development organization whose mission is to engage students of diverse backgrounds in an examination of racism, prejudice, and anti-Semitism in order to promote the development of a more humane and informed citizenry. www.facing.org

National Coalition Building Institute offers programs in prejudice reduction, intergroup conflict resolution, and coalition building to elementary through high school students. http://ncbi.org

Office for Civil Rights, U.S. Department of Education ensures equal access to education and promotes educational excellence through enforcement of civil rights. See appendix B for more information. www.ed.gov/offices/OCR

Respecting Ethnic and Cultural Heritage (REACH) Center provides cultural diversity training and services to educational institutions. REACH assists agencies with strategic planning and training for individuals to acquire the knowledge, attitudes, and skills needed to function in a culturally and racially diverse world. www.reachctr.org

Southern Poverty Law Center, Teaching Tolerance Program, is a nonprofit organization that combats hate, intolerance, and discrimination through education and litigation. *Teaching Tolerance* offers curricula and resources to schools. www.splcenter.org

The Center for Research on Women, a research and technical assistance organization, also offers training on identifying and preventing bullying and harassment in schools. www.wcwonline.org/wcrw.html

The School Improvement Center offers activities to help districts develop an equity framework. These resources can be found at Actualizing Equity: The Equity Framework. http://www.gapsc.com/EducatorPreparation/NoChildLeftBehind/Admin/Files/conference_032010/Actualizing_Equity.pdf

The Education Equality Project's website has useful resources for educators. http://www.edequality.org

The Office for Civil Rights has harassment prevention resources, including resources in other languages. http://www2.ed.gov/about/offices/list/ocr/index.html

Other helpful sites for educators:

http://www.stopbullying.gov/laws/federal

http://www.k12.wa.us/Safetycenter/BullyingHarassment/default.aspx

http://www.wrightslaw.com/info/harassment.index.htm

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