

Archived Information

Protecting Students from Harassment and Hate Crime: A Guide for Schools - January 1999

Part I: The Fundamentals

A Comprehensive Approach to Eliminating Harassment and Hate Crime

To establish an educational environment free from discrimination and harassment will ordinarily require more than just punishing individual instances of misconduct. Students will benefit most from stopping harassment from happening at all. Therefore, an effective anti-harassment program must incorporate the kinds of strategies that will prevent harassment, not merely increase the chance of punishment. While building a strong program often starts with developing and enforcing written policies and procedures, all of a school district's programs and activities should support its anti-harassment efforts. The school's instructional program, calendar of events, extracurricular activities, professional development efforts, and parent involvement initiatives are key to establishing an environment in which respect for diversity can flourish.

Successful prevention strategies depend on the coordinated efforts of all school employees, including individuals responsible for administration, curriculum, instruction, discipline, counseling, public relations, and personnel. Parents, students, law enforcement agencies, and other community organizations also play an important role. Schools should consider developing action plans both at the district level and at individual school sites that specify the steps each segment of the school community will take to implement a comprehensive anti-harassment program.

By designing and implementing a comprehensive approach, schools can establish the framework for a safe environment conducive to learning for all students. The key components are as follows.

Develop written policies that prohibit unlawful harassment

At a minimum, a school's governing authority should adopt and disseminate written policies that:⁵

- 1 Set forth the school's commitment to protect students from harassment and violence and to maintain a nondiscriminatory environment
- 1 Identify the types of harassment prohibited by the policy and give examples
- 1 Require staff to report harassment that they learn about
- 1 Explain how to report harassment and to whom to report it
- 1 Describe the various steps the school will take to respond to reported incidents
- 1 Include formal complaint procedures

- 1 Prohibit retaliation against persons who report harassment or participate in related proceedings
- 1 Ensure that all members of the school community are aware of their rights and responsibilities

Student codes of conduct and *personnel policies* should also be examined to ensure that they contain rules of behavior, offense categories, and disciplinary procedures to address violations of the district's anti-harassment policies appropriately.

For additional recommendations, see [Part II: Developing Written Anti-Harassment Policies](#)

Identify and respond to all incidents of harassment and violence

All staff and administrators should be taught to accurately and sensitively advise students and parents reporting harassment of the relevant school policies and the options for stopping the harassment. In all instances, students and parents reporting harassment should be told how to file a formal complaint. Reporting procedures should be easy to use and well publicized. At least one employee should be formally designated and trained to receive complaints. The names and positions of the persons designated should be made known to all members of the school community.

Steps in a comprehensive approach

- 1 Board members, district administrators, and the superintendent recognize the urgency of the problem of unlawful harassment and hate crime, identify people and agencies that can help them develop effective prevention and response strategies, and compile a library of useful materials
- 1 School officials select personnel to work on creating an effective anti-harassment program in consultation with parents, students, and community groups
- 1 Compliance coordinators are appointed and trained
- 1 School personnel assess the school climate to determine the prevalence and types of harassment that may exist and the potential for hate-motivated violence
- 1 School district adopts a written anti-harassment policy or reviews and revises existing policies for accuracy, clarity and legal compliance; the policy is clearly communicated to all members of the school community; and school personnel and students are held accountable for their actions
- 1 School district develops a formal grievance procedure and takes steps to make sure it is working properly
- 1 Instructional personnel use or supplement the district's curriculum and pedagogical strategies to foster respect and appreciation for diversity
- 1 School sites institute, improve, or expand age appropriate student activities to prevent or reduce prejudice and conflict
- 1 School district and individual school sites institute specific measures to respond immediately and effectively when harassment occurs to stop the harassment and prevent recurrence

- | School officials flexibly apply response mechanisms to both the victim and the perpetrator, taking into account the parties' ages and the context of the behavior
- | School personnel continually monitor the school climate and promptly address problems that could lead to harassment or violence or that indicate that harassment could be occurring
- | Appropriate school officials become familiar with pertinent civil and criminal laws at the state, local, and federal levels, so that they are able to recognize possible civil rights violations, hate crimes and other criminal acts
- | Schools develop guidelines and procedures for collaboration with law enforcement officials, make appropriate referrals to outside agencies, and designate liaison personnel
- | Crisis intervention plans are in place to minimize the possibility of violence or disruption of the educational process
- | District-level personnel and individual school sites form continuing partnerships with parents and the community to prevent hate crimes and harassing behaviors
- | Staff training and professional development programs support the district's anti-harassment efforts
- | All harassment incidents are carefully documented and incidents are reported to outside authorities as required
- | District regularly assesses the effectiveness of its anti-harassment efforts

Require all staff to report to a designated school official, who has authority to take corrective action, any harassment that students report to them or that the employees observe. School personnel should not overlook incidents that, viewed alone, may not rise to the level of unlawful harassment. Consistent enforcement of all disciplinary rules and meaningful interventions by staff to teach appropriate behavior will tend to discourage more severe misconduct and to help achieve an atmosphere of respect and courtesy. Consider all available resources to address instances of inappropriate behavior, including increased parental involvement.

A repertoire of options that consider the nature of the conduct and the age and identity of the perpetrator and target of harassment are needed to respond to incidents of varying levels of severity, persistence, and pervasiveness. Top school officials or a designated coordinator may wish to screen all allegations of harassment to make sure that an appropriate course of action will be taken.

In responding to incidents of harassment, schools should pay close attention to the possibility that harassers and their friends and associates may attempt to retaliate against persons who report harassment. Retaliation or reprisals can include threats, bribes, unfair treatment or grades and further harassment such as ridicule, pranks, taunting, bullying, and organized ostracism.

Recognize that students may be harassed, not only because of their own race, sex, ethnicity or other characteristics, but also because of their association with individuals who are members of a targeted group.

Effective mechanisms to respond to incidents of harassment

- 1 Immediate investigation of all reported incidents to determine whether the alleged harassment occurred, determine the scope and severity of the behavior, identify the perpetrators, evaluate the harm to the victims, and determine the appropriate corrective action
- 1 Immediate referral to law enforcement authorities when the acts in question are violent or criminal in nature
- 1 Fortright announcements by school authorities condemning the harassment and promising appropriate corrective action when the incidents are well known or of public concern⁶
- 1 Punishment, as appropriate, of harassers who violate provisions of the school's student disciplinary code, such as provisions against sexual and racial harassment, obscene language, vandalism, other property damage, physical assault, threats and intimidation, etc.
- 1 Disciplinary action, as appropriate, against employees who violate the school's policies against sexual, racial, and other types of harassment
- 1 Ongoing remedial actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the victim's security
- 1 Emotional and psychological support as needed by the harassment victim
- 1 Informal procedures for resolution, such as peer mediation or counseling, when informal resolution is voluntarily selected by the parties, the harassment victim has full knowledge of the right to pursue the formal complaint process, and the school determines that informal resolution is appropriate for the incident in question
- 1 Teaching students who engage in harassing conduct more acceptable behavior, especially where the students are very young or the conduct was not intended to be harmful

For additional recommendations, see [Part II: Identifying and Responding to Incidents of Harassment](#)

Provide formal complaint procedures

A formal complaint process is necessary in addition to the various other mechanisms that districts should use to address all incidents of harassment. The district should provide formal complaint procedures that ensure students and their parents a means of obtaining corrective action, if they prefer to file an official complaint or are dissatisfied with the district's response to alleged harassment.

Federal laws prohibiting sex and disability discrimination require prompt and equitable complaint procedures that incorporate due process standards.⁷ Such procedures are also recommended to address complaints of race and national origin discrimination, and other types of discrimination addressed by a district's policy. The term "grievance procedures" is also used to refer to formal complaint procedures, and this Guide uses the terms interchangeably.

Formal complaint procedures should include:

- 1 Notice to students, parents, and employees of the process, including how and where complaints can be filed
- 1 An opportunity for a prompt, thorough, and impartial investigation, including the opportunity to present witnesses and other evidence
- 1 Confidentiality of the complainant, the alleged harasser, and any witnesses, to the extent possible in the particular case⁸
- 1 Notification to the complainant of the outcome of the complaint consistent with any legally required privacy restrictions⁹
- 1 Effective remedies when discrimination is found

For additional recommendations, see [Part II: Formal Complaint Procedures](#)

Create a school climate that supports racial, cultural, and other forms of diversity

There is a growing consensus among educators that the best way to protect students from harassment is to establish a secure environment that expects appropriate behavior and promotes tolerance, sensitivity to others' views, and cooperative interactions among students. Effective anti-harassment programs therefore endeavor to provide students with a curriculum, teaching methods, and school activities that discourage stereotypes and respond to the concerns of students of different races and cultural backgrounds.

MAKE EXPECTATIONS CLEAR. The district should regularly communicate its policies against harassment to all members of the school community, including students, staff, parents, and school visitors, and make it clear that the policies will be enforced. Take steps to make sure that students are able to identify harassment, understand its causes and effects, and feel comfortable reporting instances of harassment.

MONITOR THE SCHOOL ENVIRONMENT AND DOCUMENT ALL INCIDENTS. The school environment and activities should be regularly monitored to ensure that harassment is not occurring. All instances of alleged or suspected harassment, whether or not substantiated, should be documented. Documentation should include all disciplinary incidents in which race, national origin, sex, disability, or other subjects of district concern are a factor.

IDENTIFY STUDENT AND PARENT CONCERNS. Without an effort to identify student and parent concerns, school officials may not realize the extent of harassment that occurs in their schools. To identify areas needing attention, school officials should seek out information about underlying conflicts and tensions among students, both in school and in the community. Areas of concern could include possible antipathy toward recent immigrants, pervasive racial stereotypes, frequent sexual harassment, and any inequities in treatment by school personnel as perceived by students and parents. Such information can be obtained via a voluntary survey or through public meetings. Maintain contact with students and parents to identify potential "trouble spots" for attention before harassment occurs.

STAFF TRAINING. A school district should provide sufficient training to enable employees to take an active part in the district's efforts to prevent and address harassment.

In-service training and professional development opportunities should be geared to:

- 1 Assist teachers, coaches, counselors, administrators, and paraprofessionals to recognize harassment and prejudice and to apply techniques for on-the-spot intervention
- 1 Deepen the understanding of teachers and other employees of diverse cultural attitudes and behaviors; racial, ethnic, and sex based stereotypes; and the types of problems faced by students at school and in the community
- 1 Enable teachers to use specific prejudice reduction curricula, materials, and techniques in the classroom
- 1 Increase employees' sensitivity to the phenomena of racial, sexual, and disability harassment and the emotional, psychological, and educational damage that may result
- 1 Inform teachers and other employees of expected behavior to prevent charges of harassment and suggest ways to improve communication skills to avoid unintended offense
- 1 Ensure that all employees appropriately advise students and parents who report harassment of their options for obtaining help
- 1 Enable administrators, compliance coordinators, complaint managers, complaint investigators, and school disciplinarians to properly perform their duties as designated by district policies

CURRICULUM AND TEACHING METHODS. Successful anti-harassment efforts generally provide opportunities for students to overcome ignorance, mistrust, and biases. Age appropriate prejudice reduction and sexual respect concepts can be included in social studies, literature, and other classes.

Examples of teaching strategies that can help to reduce prejudice include modeling unbiased behavior, improving students' critical thinking skills, helping students to develop empathy, and encouraging cooperative learning.¹⁰ Numerous curriculum materials are available with little or no charge. For examples of prejudice reduction programs and related materials, see [Preventing Youth Hate Crime: A Manual for Schools and Communities](#) and the [Annual Report on School Safety](#) published by the U.S. Department of Education in conjunction with the U.S. Department of Justice and other publications cited in [Appendix E \[pdf format\]](#) of this Guide.

STUDENT ACTIVITY AND MEDIATION PROGRAMS. Student activities, such as leadership clubs, that encourage students of different backgrounds and both sexes to work together on shared projects can contribute to intergroup understanding. Many schools use trained student mediators to resolve personal conflicts that could lead to harassment. In some schools, student volunteers are trained to discuss diversity issues with their peers or younger students in the classroom.

APPOINTMENT OF COMPLIANCE COORDINATOR. Federal regulations require the appointment of individual employees to coordinate the district's efforts to comply with laws against sex and disability discrimination.¹¹ Appointment of individuals to coordinate efforts to eliminate discrimination based on race, national origin, and other grounds covered by the district's policy is also recommended.

The duties of compliance coordinators (also termed "equity coordinators") might include:

- 1 Maintaining and analyzing documentation of all harassment incidents
- 1 Regularly reviewing the effectiveness of the district's efforts to correct and prevent harassment and proposing improvements
- 1 Regularly assessing the adequacy of training for staff, administrators, students, and parents and proposing improvements
- 1 Advising and assisting other personnel to properly handle complaints and reports of harassment
- 1 Ensuring that top district officials are informed about harassment incidents and the adequacy of the school's response

The names, positions, addresses and telephone numbers of the compliance coordinator(s) should appear in all publications and postings of district policies and complaint procedures.

For additional recommendations, see [Part II: Creating a Positive School Climate](#)

Federal statutes related to hate crimes

Federal law prohibits the intentional use of force or threat of force against a person because of his or her race, color, religion, or national origin for the purpose of interfering with the person's enrollment or attendance in any public school or college. Federal law also allows more severe penalties when persons convicted of federal crimes were motivated by bias against the "actual or perceived race, color, religion, national origin, gender, disability, or sexual orientation of any person."¹²

Work with law enforcement agencies to address and prevent hate crimes and civil rights violations

DEFINITION OF HATE CRIME. Depending on the jurisdiction, hate or bias crimes involve criminal acts in which the victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Bias crimes include both attacks on persons and on property. Typical hate crimes include threatening phone calls, hate mail, physical assault, threats of harm or violence, arson, vandalism, cross burnings, destruction of religious symbols, bombings and bomb threats. School officials should find out the specific definition of bias crimes established by their state and local governments. There is no bright line between hate crime and noncriminal harassment, and some incidents may include elements of both. For a summary of state hate crime laws, compiled by the Anti-Defamation League, see [Appendix C \[pdf format\]](#).

No school district or community is immune from the damage that can be done by bias crime, and such crimes can happen even in schools with excellent reputations. Bias crimes that occur in school can create or exacerbate tensions that contribute to community-wide conflicts and civil disturbances. Bias offenses committed outside of school may quickly affect the school climate and relationships among students. Therefore, schools also need to be aware of incidents in the community and become involved in preventing and addressing them.

REFERRALS TO LAW ENFORCEMENT AUTHORITIES. School officials should contact law

enforcement officials when hate crimes are committed or suspected on school property or in connection with off-site school activities. School officials should also contact law enforcement officials when they become aware of any criminal behavior that endangers the life or safety of students or other persons, whether or not the behavior occurs on school property or in school activities.

School officials should consider developing guidelines for referral of less serious incidents to appropriate authorities. Circumstances that may be considered in determining whether a referral is appropriate or necessary include the nature and seriousness of the conduct, whether a pattern of biased conduct is evident, and the risk that the conduct poses to the health, safety, or well-being of students, employees, and the public. For example, school officials should tell law enforcement officials about apparently less serious instances of harassment if these could lead to violent retaliation or serious confrontations outside of school.

Schools are encouraged to establish ongoing lines of communication with law enforcement agencies. Also, schools that have on-site security personnel should involve them in efforts to address and prevent hate crimes.

PRESERVATION OF EVIDENCE. School officials should balance the need to preserve the physical evidence of hate crimes for investigation and the need to minimize the exposure of students to harmful messages.¹³ In addition to violating the school's disciplinary code or anti-harassment policies, certain kinds of graffiti may also be of interest to law enforcement agencies. Some law enforcement authorities recommend that evidence of graffiti be preserved for investigation when the graffiti is repetitive or persistent, is located in places of high visibility, identifies particular targets, identifies the perpetrator, contains incitements to violence, threats or intimidation, and/or targets particular groups.¹⁵ Use methods to reduce exposure to the offense which do not destroy the physical evidence, such as covering or concealing it. Photographing all instances of hate-motivated or harassing graffiti is a good practice, and, if a criminal violation is involved, the physical evidence should be preserved until the police approve removal.

Assist victim to pursue law enforcement options

Schools should encourage student victims to notify the police or file criminal charges, where appropriate. Whether or not a student intends to file charges, the school should make its own law enforcement referral. Notification to the police by the student or the school does not relieve the school district of its obligation to investigate, make findings, and remedy the harassment insofar as school-related conduct is involved. To avoid compromising a criminal prosecution, schools should coordinate their activities with law enforcement authorities. Persons injured by harassment should be told about all methods of obtaining corrective action. These include the school's internal complaint procedures, criminal charges, and complaints with governmental and non-governmental agencies that address civil rights violations in schools.¹⁴

CRISIS INTERVENTION PLANS. Crisis intervention plans should include methods of rumor control, media contacts, close and continuing communications with students, parents, and the community, and liaison with law enforcement agencies and experts in crisis management. For information on crisis avoidance and response strategies for schools and communities, see *Early Warning, Timely Response: A Guide to Safe Schools*, available at www.ed.gov/offices/OSERS/OSEP/earlywm.html

OCR ENFORCEMENT. School officials should inform members of the school community of the role

of outside agencies in protecting students' civil rights. OCR investigates and resolves discrimination complaints, including complaints that schools have allowed or condoned sexual, racial or disability harassment. The vast majority of meritorious complaints filed with OCR are satisfactorily resolved through an agreement with the school district. If, however, resolution of such a complaint does not occur, OCR can bring an administrative hearing to suspend or terminate federal funds to a school district that refuses to correct discrimination. OCR can also refer such complaints to the United States Department of Justice, which can initiate a lawsuit to secure remedial action.

STATE AND LOCAL CIVIL RIGHTS AND EDUCATION LAWS. Acts of harassment may also violate state or local civil rights, anti-discrimination, or education laws. In addition to harassment based on race, national origin, sex, and disability, which is specifically covered by federal law and many state laws, some states have laws that prohibit harassment based on religion and sexual orientation. In some states, such as Massachusetts, the state attorney general is authorized to bring civil suits to enjoin future criminal and certain types of noncriminal civil rights violations with criminal sanctions for noncompliance. Some states have also enacted laws spelling out the steps that schools must take to prevent or address harassment. We strongly recommend that school districts contact the attorney general of their state, the state department of education, and county and municipal officials to determine what state and local requirements apply and what state and local remedies are available.

For additional recommendations, see [Part II: Addressing Hate Crime](#)

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[\[Introduction\]](#)



[\[Part II: Step-by-Step Guidance: Developing the District's Written Anti-Harassment Policies\]](#)