



Anti-Harassment Policy Review Tool

Created by:
Great Lakes Equity Center

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About Great Lakes Equity Center

Great Lakes Equity Center is one of ten regional Equity Assistance Centers funded by the U.S. Department of Education under Title IV of the 1964 Civil Rights Act. The Center serves the public educational agencies in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin by providing a wide range of technical assistance supports.

The mission of the Center is, to ensure equity in student access to and participation in high quality, research-based education by expanding states' and school systems' capacity to provide robust, effective opportunities to learn for all students, regardless of and responsive to race, sex, and national origin, and to reduce disparities in educational outcomes among and between groups.



About This Tool

This tool contains recommendations for reviewing anti-discrimination, anti-harassment, and anti-bullying policies. The recommendations are derived from three lawsuits settled in or out of court between local education agencies (LEAs) and either the US Department of Education Office for Civil Rights (OCR) or the US Department of Justice (DOJ). Those agreements contain a set of requirements for adequately protecting students from discrimination, harassment, or bullying based on race/ethnicity, color, national origin, religion, ability status, sexual orientation, and/or gender identity or expression. The recommendations are in the following domains:

- I. Identification of Relevant Policies
- II. Minimum Requirements for Policies
- III. Appointment of Qualified Personnel in Key, Relevant Roles
- IV. Training and Professional Development
- V. Student Training, Curriculum, and Programming
- VI. Solicitation and Engagement
- VII. Promulgation and Dissemination
- VIII. Tracking, Documentation, and Monitoring
- IX. Data Collection and Analysis
- X. Assessment, Compliance Monitoring, and Continuous Improvement

The Anti-Harassment Policy Review Tool also contains an appendix summarizing specific recommendations or requirements in response to not meeting the above domains. The recommendations or requirements are derived directly from OCR and DOJ agreements with LEAs, and may be considered some basic guidelines for protecting students' and families' rights through school and district policies.

Anti-Harassment Policy Review Tool

Preparing to engage in Critical Reflection

To prepare for critical reflection on policies, consider the following key framing questions, as prompted in the Policy Equity Analysis Tool (GLEC, 2015):

1. **What is the intent behind the policy being reviewed?**
2. **What social constructions does this policy embrace?**
3. **Who benefits from the way things are and who does not? (Freire, 1998)**
4. **What actions will redress the inequities we see in our policies? (Kozleski & Waitoller, 2010)**

Policy Review Instructions:

For each item, rate the extent to which the policy being reviewed reflects the policy review domain. Provide a rationale statement to support your rating, as well as evidence. Propose a modification, addition or deletion to the policy related to the domain for changing, improving or enhancing the policy. Indicate whether the proposed change is a recommendation (revision needed to adequately address the domain) or a consideration (revision that would reflect evidence-based practice).

Anti-Harassment Policy Review Tool

IDENTIFICATION OF RELEVANT POLICIES

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Identified all existing district-wide and school-level policies, regulations, and procedures related to discrimination, harassment, bullying, hazing, and student discipline, as well as all related materials.				

Rationale/Explanation and Evidence:

Recommendation or Consideration

See Appendix for more details.

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MINIMUM REQUIREMENTS FOR POLICIES

Rate the extent to which the policies and procedures are:	To A Great Extent	Somewhat	Very Little	Not At All
Consistent with each other and accurately reflect the district's obligation under federal law to prevent, investigate, and address harassment of students based on race, color, national origin, religion, sex, and disability, and to eliminate any hostile environment arising from or related to such harassment.				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

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APPOINTMENT OF QUALIFIED PERSONNEL IN KEY ROLES

Rate the extent to which the policy identifies, defines duties of, and empowers:	To A Great Extent	Somewhat	Very Little	Not At All
Title IX Coordinator				
District-level Nondiscrimination Coordinator(s)				
School-level Designated Persons (or school-level Nondiscrimination Coordinators)				
District-wide Mental Health Consultant(s)				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

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TRAINING AND PROFESSIONAL DEVELOPMENT

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Requires and provides training to all staff (including contractors) who interact with students on harassment, bullying, and retaliation.				
Makes annual training for parents, with similar content as staff training, on discrimination, harassment, bullying, and retaliation available, inclusive, and accessible.				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

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STUDENT TRAINING, CURRICULUM, AND PROGRAMMING

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Provides age appropriate instruction to all students on discrimination, harassment, bullying, and retaliation on an annual basis.				
Provides student programs focused on peer leadership, appreciation of difference, and inclusivity with specified anti-harassment components.				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

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SOLICITATION AND ENGAGEMENT

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Creates, appoints, defines the duties of, and empowers an anti-harassment task force representative of the learning community.				
Creates, appoints, and empowers student roundtables to inform district leadership of student concerns about harassment, and defines district leaderships' response to the roundtables.				

Rationale/ Explanation:

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Recommendation or Consideration

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See Appendix for more details.

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PROMULGATION AND DISSEMINATION

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Requires prompt dissemination of anti-harassment policies and procedures, contact information of any Nondiscrimination Coordinators, and harassment reporting procedures.				
Requires wide and accessible promulgation and dissemination of anti-harassment policies and procedures, as well as contact information of any Nondiscrimination Coordinators and harassment reporting procedures, and any revisions thereof, to all stakeholders.				
Requires a comprehensive and easily identified and accessible "Bullying and Harassment" section on all district and school websites.				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

Anti-Harassment Policy Review Tool

TRACKING, DOCUMENTATION, AND MONITORING

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Requires electronically tracking all harassment incidents and relevant information about those incidents.				

Rationale/ Explanation:

Recommendation or **Consideration**

See Appendix for more details.

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DATA COLLECTION AND ANALYSIS

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Requires the development and administration of an inclusive and accessible annual school climate survey for all students and staff to assess presence and effects of harassment and bullying, the inclusiveness and safety of the educational environment, and the effectiveness of the anti-discrimination, anti-harassment, and anti-bullying measures taken.				
Requires the district to analyze the results of the school climate survey in a timely manner, and requires the analysis includes any climate issues identified through the surveys and recommendations to address racial harassment as needed .				

Rationale/ Explanation:

Recommendation or Consideration

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ASSESSMENT, COMPLIANCE, AND CONTINUOUS IMPROVEMENT

Rate the extent to which the policy:	To A Great Extent	Somewhat	Very Little	Not At All
Requires reporting and wide, accessible dissemination of reports on school climate, task force and roundtable findings; compliance with state and federal anti-harassment; anti-discrimination, and anti-bullying requirements; district actions addressing harassment and bullying, and the effectiveness of those actions; and any district or school policies or procedures on discrimination, harassment, bullying, or retaliation created, omitted, or revised since the last report.				

Rationale/ Explanation:

Recommendation or Consideration

See Appendix for more details.

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OVERALL SUMMATIVE STATEMENT

Drawing across your ratings, to what extent will this policy produce results that meet authentic needs (i.e. will the policy practices result in the desired outcomes), AND to what extent is its implementation clear and feasible?



Appendix

The appendix contains more specific requirements from the US Department of Education Office for Civil Rights (OCR) and the US Department of Justice (DOJ). These requirements are organized by domain and include, but are not limited to the text in the legal settlements and court orders from which they are derived.

IDENTIFICATION OF RELEVANT POLICIES

Relevant policies, regulations, and procedures may include, but are not limited to:

- Nondiscrimination and Access to Equal Educational Opportunity;
- Wireless Communication Devices;
- Hazing;
- Anti-Harassment;
- Bullying;
- School Safety;
- Any other board policies related to discrimination, harassment, bullying, hazing, and student discipline;
- All administrative guidelines and forms related to the above referenced board policies;
- All provisions contained in district-wide and school-level codes of conduct and discipline policies that relate to discrimination, harassment, bullying, and hazing;
- All provisions contained in district-wide and school-level handbooks or similar documents for students, administrators, faculty, staff, and parents/guardians that relate to hazing, anti-harassment, and bullying; and
- All district-wide and school-level complaint forms (paper and online) and related materials for reporting bullying, harassment, or disciplinary infractions.

MINIMUM REQUIREMENTS FOR POLICIES

The US Office for Civil Rights (OCR) and Department of Justice (DOJ) recommends the following be included in discrimination, harassment, and/or bullying policies:

- Include terms/definitions into relevant policies and procedures.
- Include explicit statement that discrimination, harassment, and/or bullying based on race/ethnicity, color, national origin, religion, sex, nonconformity to gender stereotypes, and/or gender identity and expression is prohibited.
- Include examples of the types of harassment prohibited by the district's policies.
- Include a requirement that district personnel investigate, address, and respond appropriately to every harassment incident as required in Title VI and Title IX, whether reported (verbally or in writing) by the harassed student(s), witness(es), parent(s), or any other individual; observed by any district employee; or brought to the district's attention by any other means.
- Include contact information, including physical address, phone number, and email address, for the district's Title IX Coordinator, Equity Coordinator, Harassment Coordinator, Nondiscrimination Coordinator, or other designated district personnel responsible for monitoring and coordinating the district's response to discrimination, harassment, or bullying. (See Appointment of Qualified Personnel to Key Relevant Roles).
- Include a protocol for when an incident or series of incidents of harassment of a particular student or groups of students rises to a level of severity or persistence requiring district staff to notify the parent(s)/guardian(s) of the harassed student(s), ensuring that the individual notifying parents/guardians of the harassment is sensitive to any personal concerns of the student in discussing the basis/bases of the harassment with the harassed student's parent/guardian, and when an incident or series of incidents of harassment by a particular student or group of students rises to a level of severity or persistence requiring district staff to notify the parent/guardian of the harassing student(s).
- Include an anti-retaliation provision to protect those who report harassment or bullying, those who provide information as witnesses, and those who associate with a target(s) of harassment or bullying.
- Include the discrimination, harassment, bullying, and hazing policies in student and parent/guardian handbooks in languages accessible to students and parents/guardians. These policies should be available in hard copy and on the district's and individual schools' websites.
- Include a clear explanation in the student and parent/guardian handbooks of the difference between the discrimination, harassment, bullying, and hazing policies that clarifies what conduct is covered under each policy.
- Include a requirement that the school shall make teachers and/or staff aware of incidents of racial harassment, the students involved, and any additional relevant information so that teachers and/or staff can monitor interactions between students to prevent racial harassment or retaliation for reporting racial harassment from occurring.

APPOINTMENT OF QUALIFIED PERSONNEL IN KEY ROLES

The district should hire or appoint an individual knowledgeable in state and federal laws (including Title IV and/or Title IX), as well as knowledgeable in all aspects of harassment or civil rights issues to serve as a Nondiscrimination Coordinator. The district may want to have more than one Nondiscrimination Coordinator, depending on the types of discrimination, harassment, and/or bullying the district is trying to address (race-based, sex- or sexual orientation-based, etc.) This (these) Coordinator(s) have the following responsibilities:

- Ensure district compliance with state and federal laws (including Title IV and Title IX).
- Ensure proper implementation of the district's discrimination, harassment, and bullying policies.
- Monitoring data on relevant (race-based, sex-based, etc.) discrimination, harassment, and bullying complaints, identifying trends, and assisting schools in addressing such issues.
- Coordinating among school and district staff, students, and parents/guardians on relevant (race-based, sex-based) issues, including discrimination and harassment.
- Coordinating training and other issues of discrimination and harassment.
- Reviewing district policies and procedures on relevant (race-based, sex-based, etc.) discrimination, harassment, and bullying.

The district should appoint an administrator or staff member in each school to serve as the Designated Person who has the following responsibilities:

- To serve as the primary point of contact for, and coordinate the school-level investigation and response to all complaints of bullying, harassment, and discrimination,
- Provide reports to the Nondiscrimination Coordinator, and answer staff and student questions regarding the discrimination, harassment, and bullying policies and procedures in her/his school. Receive annual training, including training on how to talk to students who are victims or perpetrators of discrimination, harassment, and/or bullying.
- Be introduced to the school's staff, students, and parents/guardians, and her/his contact information should be made available.

The district should hire or appoint a qualified individual who holds a Master's degree or a PhD in a mental health field, a current licensure, and has previous experience as a clinician, to act as the Mental Health Consultant with the following responsibilities:

- Review and assess current policies and practices in the district with regard to assisting students who are targets of harassment, including students who may be at risk for mental health problems that include, but are not limited to depression, anxiety, cutting and other self-injurious behaviors, and/or suicidal ideation or suicide attempts.
- Recommend action steps for the district to effectively address, assist, and respond to students who are targets of harassment, including students who may be at risk for mental health problems that include, but are not limited to depression, anxiety, cutting or other self-injurious behaviors, and suicide, consistent with its obligations under IDEA and Section 504.

TRAINING AND PROFESSIONAL DEVELOPMENT

The district should provide training to all staff who interact with students (including contractors) on harassment and retaliation on an annual basis. Staff training content shall include, but not be limited to:

- The type of conduct that constitutes harassment and retaliation and a discussion about the negative impact that such harassment and retaliation have on students, employees, and the educational environment;
- Discussion on the importance of, sensitivity to, and respect for the diversity of the student body. Discussion will include explicit conversation about difference (race/ethnicity, gender identity, gender expression, conformity to gender stereotypes, sexual orientation, etc.);
- Facilitated discussion on the root causes of harassment and the harms resulting from such conduct;
- Specific guidance and discussions of steps to foster a nondiscriminatory educational environment for all students, explicitly for traditionally marginalized students (race/ethnicity, students who do not conform to gender stereotypes, students who might be perceived as lesbian, gay, bisexual, or transgender, etc.);
- A review of the revised harassment policies and procedures with emphasis on the district's and its employees' responsibility to respond to all racial harassment and retaliation, to report all incidents of harassment and retaliation they witness or learn of to their school's Designated Person or the district's Nondiscrimination Coordinator, and to take effective action to end harassment, prevent its recurrence, and as appropriate remedy its effects;
- Clarification that the school/district must conduct an investigation into all allegations of harassment and retaliation even if there is a parallel investigation by law enforcement or another external entity;
- An introduction of the Nondiscrimination Coordinator and an explanation of his/her role;
- Identification of designated staff at each school who are available to answer questions or address concerns regarding the harassment policies and procedures or other issues related to racial harassment and retaliation;
- Clarification by school officials to respond in a timely, reasonable, effective, and appropriate manner to racial harassment or retaliation of which they knew or should have known violates district policy and potentially violates federal and/or state laws;
- Clarification that, in countering racial harassment, staff should inform students who harass others that the district accepts and respects the dignity of all students, regardless of their race, and that harassing comments are actions are inappropriate, harmful, and disruptive, and will not be tolerated at school; and
- The use of positive behavioral interventions and supports (PBIS) as part of the district's prevention and response to bullying and harassment, including, where applicable, the integration of existing school-wide positive behavior practices into bullying and harassment prevention and response.

STUDENT TRAINING, CURRICULUM, AND PROGRAMMING

Provide age appropriate instruction to all students on discrimination, harassment, bullying, and retaliation on an annual basis. Student training content should contain, but is not limited to:

- Importance of, sensitivity to, and respect for the diversity of the student body, specifically addressing harassment, including but not limited to issues related to race/ethnicity, color, national origin, religion, dis/ability, sex and gender, including nonconformity with gender stereotypes;
- Types of conduct that constitute harassment and retaliation, including the use of multiple examples;
- The negative impact that such harassment and retaliation have on students and on the educational environment;
- Information regarding how students are expected to respond to harassment and retaliation they experience or witness, or of which they otherwise know or become aware, including reporting avenues available;
- Information regarding how teachers, administrators, and staff are expected to respond to harassment and retaliation they witness or to incidents that are reported to them;
- Discussion of potential consequences for students who harass or retaliate against their peers, including a statement that the district and every school in the district will not tolerate harassment and retaliation, and will address all such incidents;
- Name(s) and position(s) of all school employees to whom a student may address questions or concerns related to harassment and bullying;
- Introduction of the Nondiscrimination Coordinator, the Designated Person(s) and an explanation of their roles; and
- Instruction designed to promote an inclusive and safe educational environment for all students, including issues related to the prevention of racial harassment, retaliation, and violence.

All middle and high schools should have peer leadership programs addressing harassment (e.g. Gay-Straight Alliance) supported by the Nondiscrimination Coordinator. Programs may be tailored to the specific needs of each individual middle and high school, so long as every program has an anti-harassment component.

SOLICITATION AND ENGAGEMENT

The district should form an Anti-Harassment Task Force to advise the district regarding how to best foster a positive educational environment free of discrimination, harassment, and bullying. The Task Force should include, at minimum:

- Nondiscrimination Coordinator(s);
- Students
- Parents
- Teachers or school counselors
- School administrators.

The Task Force shall prepare an annual report including, but not limited to:

- Concerns of students and parents related to harassment incidents and the district's overall climate;
- Recommendations for strategies to prevent harassment and improve the climate; and
- Outreach strategies to parents and families to build awareness around, address concerns related to, and gain feedback regarding the district's anti-harassment efforts.

The Superintendent or Assistant/Associate Superintendent (s) should meet annually during the school day with groups of 8-10 students of diverse backgrounds in middle and high schools across the district. Students should be given the opportunity to speak specifically about concerns about harassment. Should specific incidents of harassment be aired, the district should investigate. Students must be reminded of their rights to file a complaint and the procedure to do so. A written summary of all meetings should be documented and submitted to the Nondiscrimination Coordinator.

PROMULGATION AND DISSEMINATION

The district should continue to distribute annually its student and employee handbooks, and such handbooks shall contain the revised relevant policies and procedures printed in full along with accurate and updated title and contact information of the school-level and district-level individuals responsible for receiving and/or responding to racial harassment complaints and a copy of the district's *Harassment Reporting Form*.

The district should include the following on all district and school websites under the heading "Bullying and Harassment":

- A description of and links to the district's policies on nondiscrimination, harassment, and bullying;
- A description of and links to the district-level or school-level codes of conduct and disciplinary policies;
- A description of the process for filing a complaint of bullying or harassment;
- A link to an online complaint form for bullying and harassment;
- The name, position, and contact information for the District Nondiscrimination Coordinator and each school's Designated Person(s);
- A calendar of dates for trainings related to bullying and harassment for administrators, faculty, staff, parents/guardians, and students; and
- Copies of the printed curricula and training materials, where available, and/or summaries of and links to information on the program materials, curricula, and third-party service providers (if any) used for these trainings.

The district should make available a hyperlink to a Harassment Reporting Form on the district's website in a form-fillable PDF allowing direct electronic submission of the completed document to school and/or district officials, available in the languages represented in the district, and the district shall publicize the availability of this online form to all its students and their parents or guardians.

Any documents, information, or training offered by the district to parents or students in should be translated into the district's major languages and disseminated or made available to students and parents/guardians who do not speak English as their native language in a manner comparable to English-speaking students and parents/guardians.

TRACKING, DOCUMENTATION, AND MONITORING

Electronic tracking of all harassment incidents, including any written or verbal report, discipline referral, or complaint involving possible harassment based on race/ethnicity, color, national origin, disability status, sex, gender expression, or sexual orientation (“harassment incidents”), includes:

- The name, race, color, national origin, sex, religion, and/or dis/ability, grade school, and other relevant information related to the student harassed;
- The person reporting the harassment;
- The alleged harasser;
- All known witnesses to the alleged incident (s);
- Specific details on the date (s), time (s), nature, content, and location (s) of the harassment incident (s);
- The date the complaint or other report was made;
- The date the alleged harasser was interviewed;
- A brief summary of the investigating officials’ findings and the basis for those findings (consistent with the district’s current practice and subject to any recommendations of an Equity Consultant); and
- The district’s response to the incident.

Track incidents of harassment involving no identified student target (s) (e.g., graffiti, fliers, Internet posting) located or distributed before, during, or after school hours on all school property, including the school bus, at school functions, or at school-sponsored events held at other locations, and any harassing off-campus conduct that has a continuing effect on campus and of which the district knows.

Any supporting written documentation related to any harassment incident should be maintained, including but not limited to:

- Any written report or complaint;
- Interview notes;
- Any written statements of the student (s) harassed, person (s) reporting the harassment, or alleged harassing student (s);
- Any records of correspondence with the parent (s)/guardian (s) of both the student (s) harassed and the alleged harassing student (s) regarding the incident; and
- Existing documentation of any prior incidents of discrimination or harassment involving the student (s) subject to harassment or the alleged harassing student (s).

The district should identify “hot spots” for bullying and harassment, including outdoor locations on each school property where students congregate. The district should work to take corrective actions to eliminate harassment in the identified hot spots, including training students to assist in monitoring, adding staff or cameras to monitor, etc. Monitors must have appropriate training. Personnel employed by external contractors (such as bus drivers) should also receive training.

ASSESSMENT, COMPLIANCE, AND CONTINUOUS IMPROVEMENT

If the district has entered into a settlement agreement with the Department of Justice or Office for Civil Rights should generate a report that includes the following:

- Analysis from school climate data, information from the Task Force, Superintendent and Assistant Superintendent meetings with students, etc., proposed recommendations based on this information, and a timeline for implementation;
- Summaries of meetings and reports;
- Documentation of compliance with the settlement agreement, including information about anti-harassment training for school personnel and students;
- Summary of harassment incidents;
- Copies of district policies and procedures on harassment and retaliation created, omitted, or revised since the last report;
- Certification from the Nondiscrimination Coordinator and the district that all incidents of discrimination and harassment were reviewed and sufficiently addressed.

All districts should conduct an annual district-review of school-level investigations and resolutions of student conduct that may constitute harassment to ensure compliance with the district's revised policies, regulations, and procedures related to discrimination, harassment, and bullying. The district should provide a summary of its annual review findings.

At the conclusion of each school year, the district should conduct an annual assessment of the effectiveness of the district's anti-harassment and anti-bullying efforts. The assessment should include, but is not limited to:

- A review of the Anti-Harassment Task Force Report (s);
- A review of the school climate surveys and related analysis;
- A review of the summaries of roundtable meetings conducted by the Superintendent or Assistant Superintendent with middle- and high-school students;
- A review by the Nondiscrimination Coordinator(s) of all reports of harassment and district responses thereto in its electronic database, including any and all supporting documentation and/or underlying analyses;
- An analysis of all harassment incidents in the district disaggregated by race, school, and grade of both the target (s) of the harassment and the harassing student (s);
- An evaluation and analysis of the data collected, including an assessment of where the reported incidents of racial harassment have increased or decreased in number and severity; whether certain students are harassed more than once or are alleged to have harassed students more than once in racial harassment complaints; and difference between and among individual district schools in the numbers, types, and severity of racial harassment incidents;
- Identification of areas in need of further corrective action, if any; and

References

- Consent Decree, Jane Doe, et al., and United States of America vs. Anoka-Hennepin School District, et al., (No. 11-cv-02282-JNE-SER , E.D. Wis., July 19, 1990), available at <https://www.justice.gov/sites/default/files/usao-mn/legacy/2012/03/06/Anoka-Hennepin%20FINAL%20Consent%20Decree.pdf>
- Freire, P. (1998) *Pedagogy of freedom: Ethics, democracy, and civic courage*. (P. Clarke, Trans.). Lanham, MD: Rowman & Littlefield.
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- Kozleski, E. B. & Waitoller, F. R. (2010). Teacher learning for inclusive education: Understanding teaching as a cultural and political practice. *International Journal of Inclusive Education*, 14(7), 655-666.
- Settlement Agreement, US Department of Justice and MSD Decatur Township, available at <https://www.justice.gov/iso/opa/resources/6542013425155412377362.pdf>
- Settlement Agreement, US Department of Justice and Northeastern Local School District, available at <https://www.justice.gov/sites/default/files/crt/legacy/2012/10/10/nesettlementagreement.pdf>

IMPACT:

Educate, Engage, Empower — For Equity



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