Agenda

- What constitutes racial harassment and retaliation
- Root causes of racial harassment and harms resulting from such conduct
- How harassment and retaliation negatively impact students, employees and the educational environment
- How schools foster an inclusive, nondiscriminatory educational environment for all students
- How we will keep classrooms, schools and school-related activities safe for everyone: Addressing observed or reported allegations of racial harassment and retaliation
What constitutes racial harassment and retaliation
What we should know...

- Almost 43% of sixth graders are bullied
- Middle School tends to be a time where bullying and harassment occur the most
- Most bullying/harassment takes place inside the school

Gonzales & Skelton, Equity Alliance at ASU, 2010
Racial harassment is

Oral, written, graphic or physical conduct relating to an individual’s race, color, or national origin that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational program or activity or creates an intimidating, threatening or abusive educational environment.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Harassment of students because they are immigrants, speak another language, or have a foreign accent may constitute discrimination based on national origin or race or both, depending on the circumstances.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Harassing behaviors may take on many forms including:

- verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.
Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.

Gonzales & Skelton, Equity Alliance at ASU, 2010
A hostile environment may be created by behaviors such as the following:

1. Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin.
2. Physical acts of aggression or assault upon another, or damage to another’s property that is motivated by the individual’s race, color, or national origin.
3. Demeaning racial jokes, taunting, racial slurs and derogatory racial “nicknames,” innuendos, or other negative or derogatory remarks of a racial nature or relating to national origin.
4. Graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racially/ethnically derogatory sentiments.
• It some cases perpetrators and their friends and associates may take retaliatory action against students who report incidences of harassment, it is crucial that schools institute measures that are reasonably calculated to prevent retaliation against the student targets. At a minimum, schools should make sure that the harassed students and their parents know how to report any subsequent problems and should make follow-up inquiries to see if there have been any new incidents of harassment or any retaliation.
Root causes of racial harassment and the harms resulting from such conduct
Harassment falls into one of the following categories:

**BLATANT HARASSMENT**

Includes sexually, racially, or ethnically motivated assaults, abusive graffiti, and verbal taunts and jeers meant to denigrate. Such incidents can escalate to serious abuse, violence, or death.

**INSTITUTIONALIZED RACISM**

Encompasses the collective effect of practices and behaviors that prevent a targeted group from fully realizing the benefits of their own efforts or from sharing in publicly supported opportunities and activities.

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Contributors to
Racial Harassment

- Lack of awareness and unclear expectations
- Institutional racism
- Poor race relations
We were all most likely raised and socialized in a biased environment and may unwittingly hold biased attitudes and display biased behaviors. Behaviors that constitute harassment are often habitual and have gone unchallenged. Both harassers and victims often don’t recognize that such behaviors are no longer tolerable and that targets of such behavior have avenues of recourse. Allowing biased attitudes and behaviors to go unchallenged can allow a climate conducive to harassment to develop.

Often harassing behaviors happen in front of others, such as peers and school staff, yet there’s a tendency to think school-based harassment happens “at other schools, but not at mine.” Or that “it’s all part of growing up.” There may be concern about the issue, yet staff and students are uncertain about what to do. This uncertainty is the result of several factors:

- Racial and sexual harassment are just now beginning to be reported.
- Students of color are less likely to report because of lack of faith in the judicial system in the United States.
- Most students and staff don’t know enough about harassment, or the various types, so are less likely to report.
- There is frequently no procedure, or a lack of knowledge about the procedure, for reporting harassment at many school sites.
Patterns To Watch for in Yourself

- Discriminatory actions
- Harsher sanctions for members of certain racial or ethnic groups
- Bias in positive attention (praise, help, encouragement)
- Bias in selection of curriculum
- Denial of racist, sexist, or ethnocentric actions
How harassment and retaliation negatively impact students, employees and the educational environment
What are the Consequences of School Harassment?

Harassment impinges upon the safety and collective well-being of the entire learning community.

Equity is compromised as student belonging and empowerment are violated.

Students need and want to belong at school.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Students who are targets of harassment often spend their energy at school worrying about when and how they might be harassed again, which takes the focus away from learning.

| Many start to distance themselves from people or places | Attendance becomes a problem | Illness, depression or suicidal thoughts become prevalent | Some choose to fight back in dangerous or violent ways |

Gonzales & Skelton, Equity Alliance at ASU, 2010
### What are the Consequences of School Harassment?

<table>
<thead>
<tr>
<th>Students who harassed may think that the only ones being harmed are their victims.</th>
<th>Many students who harass and bully are less likely to be respected or trusted by peers and teachers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acts of harassment can result in suspension or expulsion from school and the loss of valuable learning time.</td>
<td>Bullying and harassing behaviors that continue into adulthood can turn into child abuse, domestic violence and hate related criminal activities.</td>
</tr>
</tbody>
</table>

Gonzales & Skelton, Equity Alliance at ASU, 2010
What are the Consequences of School Harassment?

Students who observe harassing behaviors at school may begin to think the behavior is acceptable.

- They may presuppose lack of care or helplessness from the adults at their school who don’t stop it.
- Some students may join in on the bullying and harassment.
- Others might worry about becoming the next target, particularly if they share common traits with the victim.
- Some students may jeopardize their own well-being to mediate the situation.

Gonzales & Skelton, Equity Alliance at ASU, 2010
How schools foster an inclusive and nondiscriminatory educational environment for all students

Through strong prevention and intervention efforts
Culturally Responsive Ways to Address Harassment
Historically, schools have responded poorly to bullying and harassment due to misunderstanding, ignorance, or apathy.

Solely suspending students involved with bullying limits their opportunity to receive positive support for behavior change.

Proactive and preventative approaches are preferred by culturally responsive schools.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Harassment and bullying prevention should be a collaborative effort and not the responsibility of the sole individual.

An anti-harassment team should include administrators, teachers from various grade levels, paraprofessionals, counselors, and parents.

Development and consistent enforcement of simple rules, increased supervision, constant, immediate, and appropriate monitoring and intervening in incidents of bullying and harassment and the incorporation of bullying and harassment prevention into the classroom.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Responsive school approaches include:

- Create a safe environment for all students
- Strive to move beyond targeting student-to-student incidents of harassment and move towards an appreciation of differences as they relate to race, ethnicity, national origin, sexual identity, religion and ability etc.
- Examine school practices that inadvertently support divisiveness
- Eliminate practices that privilege some students over others

Gonzales & Skelton, Equity Alliance at ASU, 2010
“One of the greatest challenges we face on a daily basis is not what the students do to one another. In fact, sadly, it is what is said by some of my colleagues about the students.”

– Alternative high school educator

Gonzales & Skelton, Equity Alliance at ASU, 2010
Responsive and Approachable Teachers and Staff

- Work to establish high expectations for all students
- Treat all students equitably
- Tap into student strengths and interests
- Help foster connections to the school
- Explicitly teach skills related to empathy and compassion
- Have an unequivocal commitment to social justice

Gonzales & Skelton, Equity Alliance at ASU, 2010
Cultivating an Inclusive School Culture

Work collaboratively to become a community of learners where all individuals are valued for their contributions

Focus on students’ cultural characteristics, language needs, and unique differences

Offer professional development for teachers and staff that helps them examine their own attitudes and dispositions

A safe environment is essential

Gonzales & Skelton, Equity Alliance at ASU, 2010
Prevention includes:

- A clear vision that cultivates an inclusive learning community
- Overarching expectations for behavior and social competencies
- Ongoing and grade-level appropriate explicit instruction regarding expected behavior and social competencies
- Strategic monitoring for incidents of student alienation, exclusion or students who are disenfranchised
- Clear message voiced by staff and students of community
- Affirmation and recognition of students’ demonstration of appropriate behavior

Gonzales & Skelton, Equity Alliance at ASU, 2010
School expectations are…

Positively stated → Few in number → Applicable across settings

Gonzales & Skelton, Equity Alliance at ASU, 2010
Intervention includes:

1. A systematic way of responding to incidents of harassment and bullying that is firm, fair and consistent

2. Addressing all observed or reported incidents of bullying/harassment

3. Responding to observed or reported incidents of bullying/harassment in a timely manner and including both the offender and the targeted student (s)

4. A Restorative Justice approach for intervening

Gonzales & Skelton, Equity Alliance at ASU, 2010
Intervention includes:

1. Consequences for harassment behaviors that are logical and involve both instruction and a plan for the offending student to “restore” the learning community.

2. Involving students who perpetuators in a restorative planning process.

3. Staff monitoring intervention/restorative plans and activities.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Responding

With the law in mind
Some Common Misperceptions & Preparing a Counter Argument

Individuals sometimes invite harassment by the way they act or dress.

- Nobody invites abuse or harassment. The key point is that individuals must be fully accountable for their own behavior. One 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 investigation of a complaint is complete. 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, such as 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.

If I see student-to-student harassment, but no one complains, I don’t have to do anything about it.

- Silence implies consent. One of the standards used to determine an institution’s liability is whether the institution knew or should have known that illegal behavior was occurring. Staff have legal and ethical obligations to protect students being subjected to illegal behavior. A staff member’s appropriate intervention should be supported by the administration. The victim may feel too intimidated to complain, or may not realize that she or he does not have to endure such treatment.
Responding to reported or observed instances of harassment

A school must take immediate and appropriate action to investigate or otherwise determine what occurred.

The specific steps in a school’s investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Gonzales & Skelton, Equity Alliance at ASU, 2010
Responding to reported or observed instance of harassment

If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

These duties are a school’s responsibility even if the misconduct also is covered by an anti-bullying policy, and regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination.

Appropriate steps to end harassment may include providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed.

Gonzales & Skelton, Equity Alliance at ASU, 2010
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<td><strong>Address Name-Calling, Bullying, or Harassment Immediately</strong></td>
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<tr>
<td>Concentrate on stopping the behavior at that moment</td>
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<tr>
<td>“That language is unacceptable in this school.”</td>
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<tr>
<td>Make sure everyone can hear you</td>
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<tr>
<td>Silence can imply acceptance and approval</td>
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<td><strong>Name the Behavior</strong></td>
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<tr>
<td>Describe what you saw and label the behavior</td>
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<td>“I heard you use the word ______ and that is derogatory and is considered name-calling. That language is unacceptable.”</td>
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<td><strong>Use the Teachable Moment (or create one)</strong></td>
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<td>Educate after stopping the behavior</td>
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<td><strong>Support the Targeted Student</strong></td>
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<td>Do not make assumptions about what he/she is experiencing</td>
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<td>Ask the student what they want or need</td>
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<tr>
<td>Suggest that the student visit with a counselor only if the student requests extra support</td>
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<td><strong>Hold Students Accountable</strong></td>
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<tr>
<td>Check school policy and impose appropriate consequences.</td>
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<tr>
<td>Are disciplinary actions firm, fair, and consistently applied across all types of name-calling, bullying and harassment?</td>
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<tr>
<td>Plan for restorative actions</td>
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Gonzales & Skelton, Equity Alliance at ASU, 2010
Restorative justice is an approach to justice that focuses on the needs of victims, offenders, as well as the involved community, instead of punishing the offender. Victims take an active role in the process, while offenders are encouraged to take responsibility for their actions, "to repair the harm they've done—by apologizing, returning something taken, or community service". 

Gonzales & Skelton, Equity Alliance at ASU, 2010
### Combining Prevention & Intervention

**Educate**
- Review the definitions of bullying, harassment and as well as school behavior expectations
- Provide staff with information along with the students and families.
- Reinforce practices that are culturally responsive and inclusive.

**Report**
- Make options and methods for reporting easy for students and staff.

**Investigate**
- Have there been previous infractions?
- If so, what happened?
- Has the victim been harassed or bullied before?
- Does the victim believe his/her safety is compromised?
- Who else was involved (bystanders included)
- What consequences does the victim believe are appropriate?

**Counsel and Restore**
- Designate staff to work individually with the victim to ensure a plan of safety
- Designate staff to work individually with the perpetuator teaching new behaviors
- Staff determines (with student) an appropriate restorative plan. A contract is negotiated
- The administrator determines consequences

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Gonzales & Skelton, Equity Alliance at ASU, 2010
How we will keep classrooms, schools and school-related activities safe for everyone: Addressing observed or reported allegations of racial harassment and retaliation
NELSD Anti Harassment Policy Review

- Policy Review/Language Review
- Issues for Implementation
- Discipline and Intervention
- Communication and Documentation
• How we will keep classrooms, schools, and school related activities safe for everyone.
• How do we address consistent reported allegations of racial harassment and retaliation.
• Go over digital/hard copy and on website.
• Using the district reporting/investigating procedures is an expectation and consistent with Federal Law. Non-Performance could be reflected in disciplinary action and/or future evaluations.
• Ensure the District complies with and carries out the requirements and obligations under Title IV.
• Implement policies and procedures and ensuring administration, staff, and students comply with the policies and procedures.
• Monitor all complaints of racial discrimination and harassment.
• Identify trends or common areas of concern.
• Coordinate between and among school and District staff, students and parents.
• Assist in training District employees, students and staff regarding racial discrimination and harassment.
• Consulting with security personnel and administrative staff following any incidents of racial harassment or assault or threats of such incidents.
Thank you for your participation!

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