

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
INFORMATION FOR STUDENTS AND PARENTS
Hate-Motivated Behavior

Hate-Motivated Behavior

BP 5145.9 Students

The Board of Education affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, religious beliefs or practices, or based on association with a person or group with one or more of these actual or perceived characteristics shall not be tolerated.

Definition of Hate-Motivated Behavior

Hate-motivated behavior is an act, or attempted act, motivated by hostility toward a victim's actual or perceived race, ethnicity, culture, heritage, age, political affiliations immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, or religious beliefs or practices, or based on association with a person or group with one or more these actual or perceived characteristics.

Hate-motivated incidents include those actions that are motivated by bias, but may or may not meet the necessary elements required to prove a crime. This may include such behavior as non-threatening name-calling, using racial slurs or disseminating racist leaflets. Some hate-motivated behavior including, but not limited to, assault, threats, destruction of property, graffiti, and vandalism may also constitute a crime punishable by law.

Any student who feels that he/she is a victim of hate-motivated behavior or who has witnessed hate motivated behavior shall report to the school principal or designee immediately. Reports may be either oral or written. The school shall assist the student in the writing of the complaint if necessary. Such complaints shall be investigated pursuant to the investigation procedure detailed in AR 5145.9. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with District complaint procedures.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall immediately notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with applicable law, Board policy and administrative regulation. A District employee who knowingly allows an act or acts of hate motivated behavior to occur and/or fails to report such acts, shall be considered to have violated district policy and will be subject to appropriate discipline.

In addition, the District shall provide counseling and appropriate anti-bias training and diversity education for students exhibiting hate-motivated behavior. The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

The Superintendent or designee shall ensure that staff receives appropriate training to recognize hate-motivated behavior ~~and~~ along with tools/methods for handling such behavior in appropriate ways.

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights, diversity and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

Each school will adopt safe-school guidelines to be followed by every student at school or at school-sponsored or school-related activities.

At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior. Additionally, principals or designees shall provide appropriate instruction on the district's policy including examples of hate-motivated behaviors.

The district shall develop and implement strategies designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in appropriate programs.

Each teacher shall create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate-motivated behavior.

Adopted: August 19, 2009 Santa Monica, California

Revised: August 28, 2014

Hate-Motivated Behavior

AR 5145.9 Students

The Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination of any kind.

Definition of Hate Motivated Behavior

Hate motivated behavior is an act, or attempted act, motivated by hostility toward a victim's actual or perceived race, ethnicity, culture, heritage, age, political affiliations, immigration status, sexual orientation, gender, gender identity, gender expression, disability, physical/mental attributes, or religious beliefs or practices, or based on association with a person or group with one or more these actual or perceived characteristics.

Hate-motivated incidents include those actions that are motivated by bias, but may or may not meet the necessary elements required to prove a crime.

Types of conduct that are already prohibited in the District and that may also constitute hate motivated behavior include, but are not limited to:

1. Graffiti containing offensive language;
2. Threatening or intimidating conduct;
3. Jokes, teasing, rumors or name calling;
4. Slurs, negative stereotyping, and other hostile acts;
5. Graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading the target;
6. A physical act of aggression or assault;
7. Threatening phone calls, hate mail, cyber or other electronic communication;
8. Vandalism or destruction of religious symbols or images; and
9. Other kinds of aggressive conduct such as theft or damage to property.

The determination that an act constitutes hate motivated behavior should be made when the behavior is judged by a reasonable person as the target to be sufficiently severe or pervasive to have a negative impact on the student's academic environment. It may be necessary, but is not required, to seek input from persons of the same protected group in making the determination whether an act constitutes hate motivated behavior.

Investigation of Complaints Regarding Hate Motivated Behavior by another Student

1. Notice and Receipt of Complaint: Any student, parent/guardian, or staff who believes a student has been subjected to hate motivated behavior or who has witnessed hate motivated behavior shall report to the school principal or designee immediately. Reports may be either oral or written. The school shall assist the student in the writing of the complaint if necessary. A District employee who knowingly allows an act or acts of hate motivated behavior to occur and/or fails to report such acts, shall be considered to have violated District policy and will be subject to appropriate discipline.

2. **Initiation of Investigation:** Principal or designee shall initiate an investigation of an allegation of hate motivated behavior within five school days of receiving notice of the incident, regardless of whether an oral or written complaint has been filed.

The investigation at the school site shall include interviewing:

- The student who is complaining
- The person accused of harassment
- Anyone who witnessed the conduct complained of
- Anyone mentioned as having related information

Factors to consider may include, but not limited to the following:

- Nature and scope of the incident
- Impact on the target
- Impact on members of the target's group
- Impact on student witnesses
- Age of the target
- Age of the perpetrator
- Context in which the incident occurred

Neither the complainant nor the target shall be required to meet with the alleged harasser or person suspected of hate motivated behavior.

If appropriate, the Principal or designee shall activate the school Threat Assessment Team to determine the level of threat posed to the target and need for safety supports.

The school shall notify the parents/guardians of the following: the target(s), the student/s who made the report and the alleged perpetrator(s) of the incident.

3. **Reporting:** As required, the Principal or designee shall file an Incident Report to be submitted to the Risk Manager.

The principal or designee shall give the Director of Student Services a written report of the complaint and investigation. If the school determines that hate motivated behavior has occurred, this report shall describe the actions taken to end the behavior and address the effects of the behavior on the target including, but not limited to, appropriate disciplinary action and prevent of retaliation or further incidents.

The appropriate law enforcement agency will be notified if there is evidence indicating that a hate-motivated crime has occurred. Behaviors described in Penal Code section 422.6 require reporting to law enforcement.

Disciplinary Measures

Any student who engages in hate motivated behavior of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action.

Students in grades 4-12 who engage in hate motivated behavior shall be subject to discipline including, but not limited to, behavior contract, counseling, community service, suspension, expulsion, transfer to another school, transfer to an alternative program, or denial of participation in extracurricular or co-curricular activities in accordance with Board Policy and Administrative Regulation.

The Superintendent or designee shall notify local law enforcement as appropriate.

Support for Students

The Superintendent or designee shall take appropriate actions to provide support for students who have been subjected to, have witnessed, or reported an act of hate motivated behavior.

1. The Principal or designee will make it clear to the affected student(s) and the parents/guardians that any form of retaliation or mistreatment of a student who complained will not be tolerated.
2. In instances where there are substantiated findings that a student has been subjected to hate motivated behavior by a District employee, volunteer, or a student, the District will offer, and upon the request of the parent/guardian, will assist the student in receiving counseling intervention support.
3. The Principal or designee shall also advise the target and the parent/guardian of any other resources and supports that may be available.

Information

The Superintendent or designee shall ensure that all staff receives training and all District students receive age-appropriate instruction and information regarding hate motivated behavior. Information and training shall provide the following:

1. Descriptions of acts and behavior which constitute hate motivated behavior;
2. Encouragement for those subject to, and witnesses to, hate motivated behavior to report incidents immediately, and assurance that they will be protected from retaliation.
3. Name(s) or title(s) of the person(s) to whom hate motivated behavior should be reported.
4. District support resources available to staff, students and parents.

Notifications

A copy of the District's hate motivated behavior policy and regulation shall:

1. Be summarized in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
3. Be summarized in the student handbook

Record Keeping

All reports will be forwarded to the Director of Student Services for record keeping. Once a complaint has reached final disposition, records will be retained for five years.

Each quarter, the Superintendent or designee shall inform the public via an Information Item in the Board Agenda regarding the number of reported hate motivated behavior reports for the prior quarter, with total number of reported cases by site.

Approved: August 28, 2014 Santa Monica, California