

Addressing Racial Harassment & Retaliation

Northeastern Local School District



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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

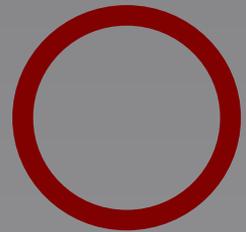
Most bullying/harassment takes place inside the school

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 from an educational program or activity or creates an intimidating, threatening or abusive educational environment.

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.



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.

A hostile environment may be created by behaviors such as the following:

Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin

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

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

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.

Retaliation



Root causes of racial harassment and the harms resulting from such conduct

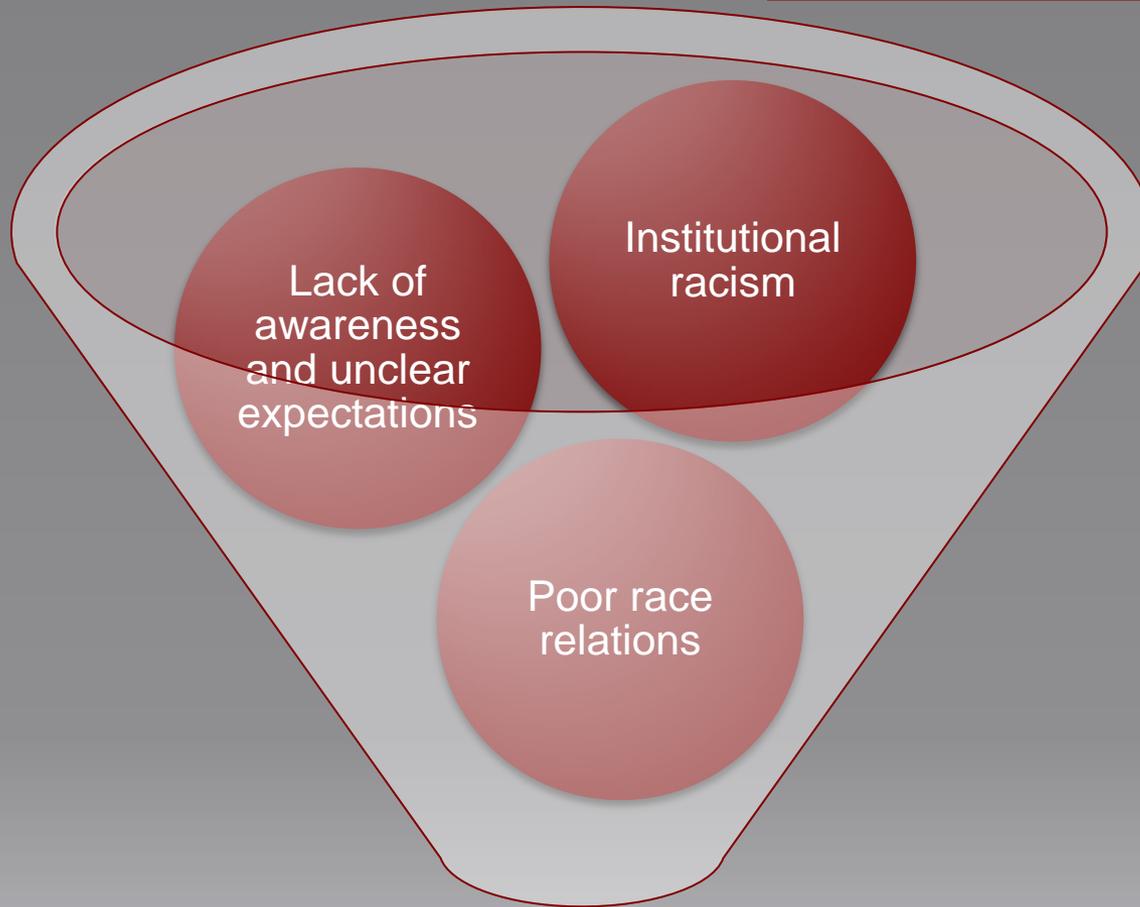
Harassment falls into one of the following categories:

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.



Contributors to
Racial Harassment

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.

PREVENTING AND COUNTERING SCHOOL-BASED
HARASSMENT A Resource Guide for K-12 Educators (2001)

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:

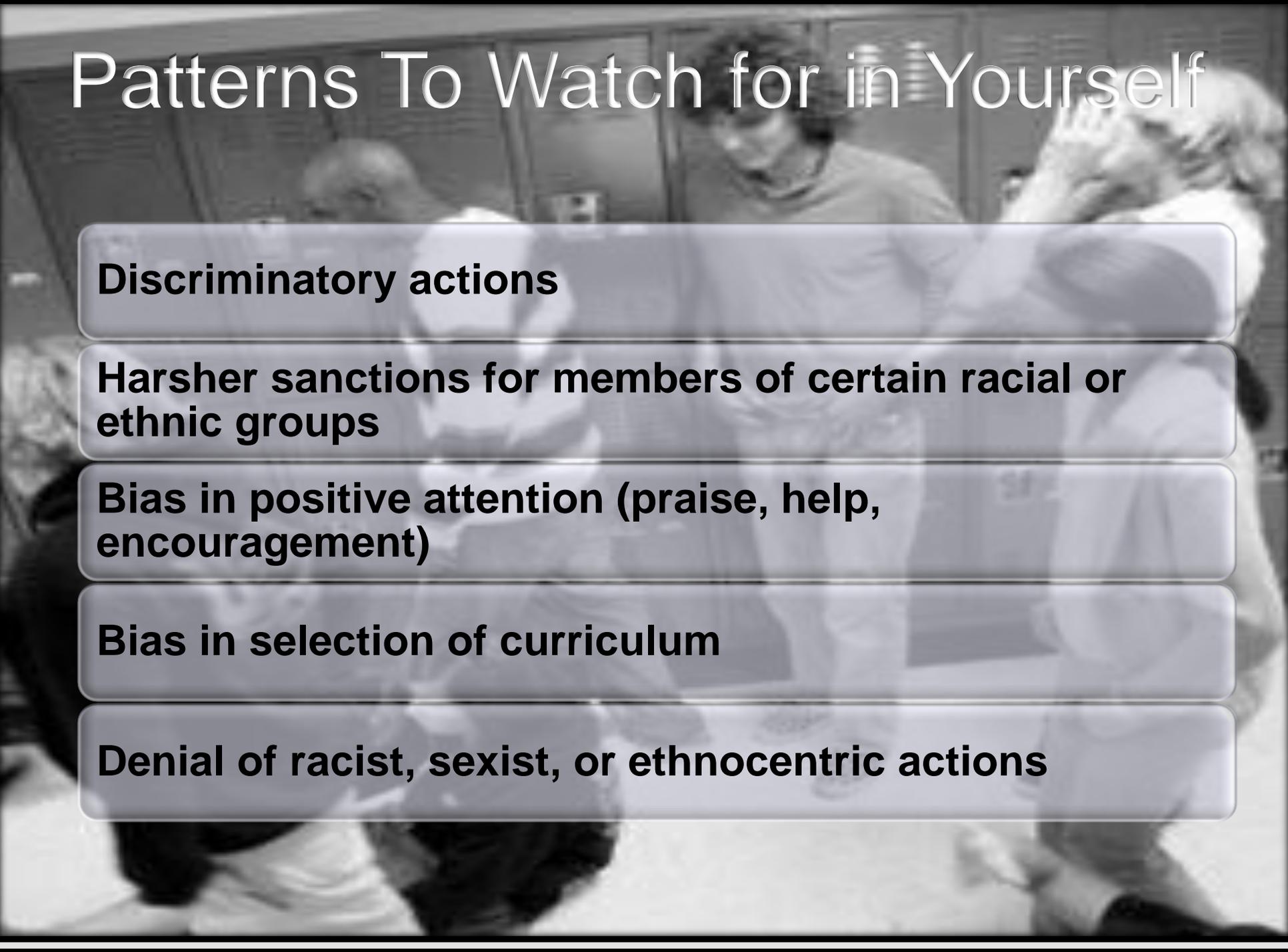
Racial and sexual harassment are just now beginning to be reported

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

What are the Consequences of School Harassment?

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

What are the Consequences of School Harassment?

Students who harassed may think that the only ones being harmed are their victims.

Many students who harass and bully are less likely to be respected or trusted by peers and teachers.

Acts of harassment can result in suspension or expulsion from school and the loss of valuable learning time.

Bullying and harassing behaviors that continue into adulthood can turn into child abuse, domestic violence and hate related criminal activities.



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.

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



What can be done...

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

A faint, stylized illustration of a diverse group of students of various ethnicities and ages, smiling and standing together. The illustration is in the background, behind the text.

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



“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

Responsive and Approachable Teachers and Staff



Work to establish high expectations for all students

Treat all students equitably

Tap into student strengths and interests

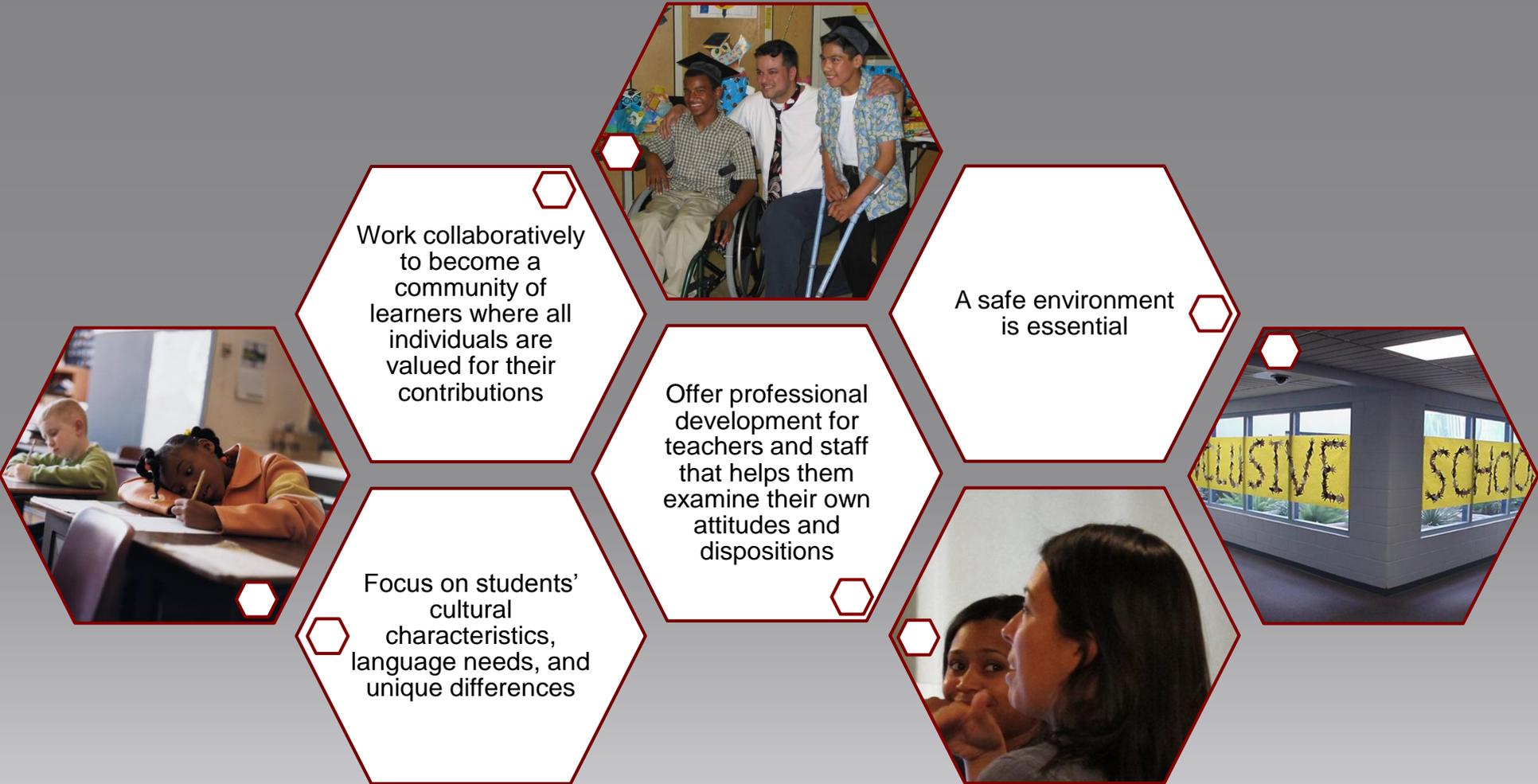
Help foster connections to the school

Explicitly teach skills related to empathy and compassion

Have an unequivocal commitment to social justice



Cultivating an Inclusive School Culture





Prevention includes:

A clear vision that cultivates an inclusive learning community

Strategic monitoring for incidents of student alienation, exclusion or students who are disenfranchised

Overarching expectations for behavior and social competencies

Clear message voiced by staff and students of community

Ongoing and grade-level appropriate explicit instruction regarding expected behavior and social competencies

Affirmation and recognition of students' demonstration of appropriate behavior



School expectations are...

Positively
stated



Few in
number



Applicable
across
settings



Intervention includes:

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

Addressing all observed or reported incidents of bullying/harassment

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

A Restorative Justice approach for intervening



Intervention includes:

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

Involving students who perpetuators in a restorative planning process

Staff monitoring intervention/restorative plans and activities.



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.



Some Common Misperceptions

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.

Responding to reported or observed instance of harassment

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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.

Intervening

**Address
Name-Calling,
Bullying, or
Harassment
Immediately**

**Name the
Behavior**

**Use the
Teachable
Moment (or
create one)**

**Support the
Targeted
Student**

**Hold Students
Accountable**

Intervening

Address Name-Calling, Bullying, or Harassment Immediately

Concentrate on stopping the behavior at that moment

“That language is unacceptable in this school.”

Make sure everyone can hear you

Silence can imply acceptance and approval

Name the Behavior

Describe what you saw and label the behavior

“I heard you use the word _____ and that is derogatory and is considered name-calling. That language is unacceptable.”

Use the Teachable Moment (or create one)

Educate after stopping the behavior

Now? Later?
Publicly?
Privately?

Support the Targeted Student

Do not make assumptions about what he/she is experiencing

Ask the student what they want or need

Suggest that the student visit with a counselor only if the student requests extra support

Hold Students Accountable

Check school policy and impose appropriate consequences.

Are disciplinary actions firm, fair, and consistently applied across all types of name-calling, bullying and harassment?

Plan for restorative actions



Restorative Justice

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".

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 perpetrator teaching new behaviors
- Staff determines (with student) an appropriate restorative plan. A contract is negotiated
- The administrator determines consequences

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

Proper Investigation Procedures & Expectations

- 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.

Anti-Harassment Coordinator

- 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!

[Website: www.greatlakesequitycenter.org](http://www.greatlakesequitycenter.org)

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