

Mission-Goals-Objectives

Bias Incidents in Schools

The Amity Regional School District No.5 (District) Board of Education (Board) is committed to providing a safe learning and working environment that is free from discrimination, harassment, intimidation and/or bullying. Hate-motivated and bias incidents are a direct attack upon the school community and will not be tolerated by or within the school district. Hate-motivated incidents or actions motivated by bias/prejudice/bigotry jeopardize both the safety and well-being of all students and staff. District policy requires all schools and personnel to promote mutual respect and understanding among students and staff.

Definitions

A **“bias incident”** is any suspected or confirmed offense which is directed at or occurs to a person, private property, or public property on the basis of race, color, gender, religion, sexual orientation, or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act is racial, religious, ethnic or pertains to sexual orientation, including gender identity or expression.

A **“hate-motivated incident”** is a noncriminal act or attempted act that constitutes an expression of hostility, bias, or bigotry against a person, property, or institution because of the target’s actual or perceived protected characteristics as set forth above. This may include using insults, taunts and slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, websites or any other electronic or written communication.

“Retaliation” is any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy. Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposition discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.

Hate Prevention Program

Training shall be provided to all district staff inclusive of anti-bias and conflict resolution methods; procedures for identifying and reporting incidents of racial, religious, and sexual harassment and discrimination; strategies for preventing such incidents from occurring; and resources available to assist in dealing with these incidents.

All students shall receive hate prevention instruction through age-appropriate classroom activities, assemblies, and school-related activities. Structured classroom activities and programs will help students to develop empathy, while practicing the critical thinking and conflict

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resolution skills needed to recognize and respond to various manifestations of hate-motivated and bias-related behavior.

The District will develop partnerships with families, community organizations, and law enforcement agencies. These partnerships help identify resources available to school personnel to address hate and bias incidents, raise community awareness of the issue, ensure appropriate responses to hate and bias incidents, and ensure that youth receive a consistent message that hate-motivated and/or bias-related behavior will not be tolerated.

A range of corrective actions for those who violate school hate-prevention policies shall be used. A substantiated charge of discrimination or harassment on the part of a student shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the Board policy on Student Conduct. School officials shall contact local, state or federal civil rights officials to respond to more serious incidents and, in cases involving suspected criminal activity or threat of criminal activity, shall call the police.

Required Actions

Whenever any school employee in the course of his/her employment has reason to believe that a hate-motivated or bias incident has been committed or is about to be committed on school property or has been or is about to be committed by any student, whether on or off school property, the school employee should immediately notify the building principal.

Any student who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate-motivated or bias incident has occurred or may have occurred on school property or in a school-related activity should promptly report the incident(s) to the Principal or their designee. In situations where a student does not feel comfortable reporting the incident to the Principal or their designee, the student may report it to a trusted school employee, who must promptly transmit the report to the Principal or their designee.

The District will take appropriate steps to protect students from retaliation when they report, file a complaint of, or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action, including short or long-term suspension, or expulsion.

The Principal or their designee, upon receipt of a viable report of bullying, hate-motivated or bias incident shall promptly contact the parents or guardians of a student who has been the alleged target and the alleged perpetrator of the incident.

In deciding whether to refer the matter of a hate-motivated or bias incident to local law enforcement, the building principal and the Superintendent should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being

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of any student, school employee or member of the general public. It is understood a referral to the Police Department is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge. It is the responsibility of law enforcement to determine if a bias incident constitutes a hate crime.

Frivolous Complaints

When a complaint is unfounded, frivolous, or maliciously fabricated, the complainant shall be subject to a range of disciplinary and correction actions consistent with the Board policy on Student Conduct.

(cf. 0521 – Affirmative Action Plan/Nondiscrimination)
(cf. 4111.1 – Equal Employment Opportunity)
(cf. 4118.11 – Nondiscrimination/Equal Employment Opportunity)
(cf 4118.112/5145.5 – Prohibition Against Sexual Harassment)
(cf. 4131 – Staff Development)
(cf 5114.12 – Restorative Practice)
(cf. 5131 – Student Conduct)
(cf. 5131.911 – Bullying and Teen Dating Violence)
(cf. 5145.4 – Nondiscrimination - Transgender and Gender Non-Conforming Students)
(5145.45 – Nondiscrimination)
(cf. 6115 – Ceremonies and Observances)
(cf. 6121 – Nondiscrimination)

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)

10-153 Discrimination on account of marital status

29-7m(a) Classification of crimes motivated by bias

29-7m(b) Report of crime motivated by bias

46a-60 Discriminatory employment practices prohibited

53a-181i Intimidation based on bigotry or bias: Definitions

17a-101 Protection of children from abuse

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Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011

P.A. 17-111 An Act Concerning Hate Crimes

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
34 CFR Section 106.8(b), OCR Guidelines for Title IX

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

The Vietnam Era Veterans’ Readjustment Act of 1974, as amended, 38 U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Public Law 111-256

Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)

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Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)

Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)