Index

References are to page numbers unless specified otherwise (i.e., note numbers). References to particular note numbers are in italics; the page number on which the note is found immediately precedes the note number and is not italicized.

A

Age of harasser and student harassed  importance of 6, 7, 18

Americans with Disabilities Act of 1990 (ADA)  18, 31, 38, 47 note 1, 48 notes 5, 7 and 11, 50 note 28, 51 note 35, 52 notes 46 and 46, 53 note 59

Annual Report on School Safety 9, 149

Anti-Defamation League  compilation of state hate laws 10, 53 notes 61 and 67, 135

how to contact 143

Arizona Sample School Policy 17, 18, 57

Auxiliary aids to persons with disabilities 31, 32, 35, 52 notes 46 and 48

C

Community partnerships  as part of a comprehensive approach  5  in developing anti-harassment policy  15

information in languages other than English 35

role in addressing and preventing harassment 6, 38, 46, 83

role in addressing and preventing hate crimes 8, 44

Community Relations Service, U.S. Dept. of Justice  how to contact 140

role of 53 note 65

Complaint procedures. See Grievance procedures

Compliance coordinators  complaint managers 20, 23

duties of 9, 20, 38

federal requirements 9, 38, 48 notes 5 and 11, 51 note 35, 53 note 59

need for in a comprehensive approach 6

notice identifying coordinator required 9, 20, 38, 51 note 35

Confidentiality  disclosure of disciplinary sanctions. See Family Educational Rights and Privacy Act (FERPA): disclosure of remedial action

D

Davis v. Monroe County Board of Education 48 note 18

Desegregation Assistance Centers  how to contact 142

Determining prevalence of incidents. See Self-assessment of school climate

Disability, harassment based on  examples of 18, 50 note 30

generally 1

policies prohibiting 18, 50 note 30

related court cases 50 note 29

Discipline policies for students

consistency with policies against harassment 5, 27, 29

consistent enforcement 7, 37, 45

disciplining students with disabilities 27–28, 51 note 40

disclosure of disciplinary sanctions. See Family Educational Rights and Privacy Act (FERPA): disclosure of remedial action

monitoring disciplinary referrals 8, 25, 42

nondiscriminatory enforcement 37, 45

punishment of students who commit harassment 7, 27

Documentation of harassment incidents

as part of a comprehensive approach 6

as part of monitoring the school environment 8, 38–39

evaluating requests for confidentiality 24, 48 note 8, 51 note 39

Family Educational Rights and Privacy Act. See Family Educational Rights and Privacy Act

maintaining confidentiality of information 8, 20, 24, 32, 33, 48 notes 6, 8 and 9, 52 notes 42 and 51, 53 note 54

Criminal charges

school’s responsibility when charges are filed 11, 26, 43

Crisis intervention plans

components of 44, 53 note 64

conflict intervention teams 125

Early Warning, Timely Response: A Guide to Safe Schools 11, 149

media relations 44, 110

need for 6, 11, 44

responding to harassment reports 24

Curriculum to help prevent harassment

available resources 150

benefits of 9, 45

need for in a comprehensive approach 6

training staff to use 9, 36

types of 9, 36, 117

evaluating patterns of harassment 9, 39

disclosure of remedial action 8, 28, 34, 48 note 9, 52 note 42, 53 note 54

disciplinary regulations 52 note 53

requests for confidentiality 24, 48 note 8, 51 note 39

Due process rights of alleged harasser 33, 51 note 41, 52 note 50

E

Early Warning, Timely Response: A Guide to Safe Schools 11, 149

Edmonds School District Comprehensive Plan 83–84

Erasing Hate brochure 127

F

Family Educational Rights and Privacy Act (FERPA)

disclosure of personal information restricted 8, 48 note 6, 52 note 51

disclosure of remedial action 8, 28, 34, 48 note 9, 52 note 42, 53 note 54

regulations 52 note 53

requests for confidentiality 24, 48 note 8, 51 note 39

Federal law and policy

best practices and legal requirements distinguished 1

changes in 1

compliance coordinators 9, 38, 47–48 note 5, 48 note 11, 51 note 35, 53 note 59

discipline of students with disabilities 27, 51 note 40

federal discrimination statutes and regulations 1, 16, 47 note 1

federal statutes related to hate crime 10, 18, 41, 47 note 2, 48 note 12

federal statutes related to reporting hate crimes 44–45

First Amendment 20–21, 51 note 37

grievance procedures 8, 31, 34, 47–48 note 5, 48 note 7, 51 note 35, 52 notes 44, 45 and 46

harassment based on disability 18, 50 note 29

harassment based on sexual orientation 18, 19, 47 note 2

hostile environment 19, 50 note 31

informal resolution procedures 34

notice of nondiscrimination 47–48 note 5

OCR’s Racial Incidents and Harassment Against Students. See Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance; Notice
OCR’s Sexual Harassment Guidance. See Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties; Notice providing information to persons with disabilities, 31, 52 notes 46 and 48. See also Auxiliary aids to persons with disabilities.

retaliation 20, 51 note 36
school policies against harassment 16,
47–48 note 5, 48 note 16
sexual harassment by person of same sex
17, 50 note 24
sexual harassment of gay and lesbian
students 18, 50 note 25

Grievance procedures
informal resolution procedures. See
Informal resolution procedures
information in other languages 31
instructions for investigators 9, 33
investigating complaints 33, 87–91. See also Investigating complaints
making findings 33–34
Minnesota sample complaint/report form 66
need for in a comprehensive approach 6
providing information to persons with
disabilities 31, 52 notes 46 and 48
publicizing 31, 35
reasons for 8
representation of parties 33
reviewing past use 31
selecting and training investigator 33,
52 note 49. See also Training of staff: to conduct investigations
Step-by-Step Guidance 31–34
time frames for completing investigation
33, 52 note 52
time limits for filing 32
West Virginia sample complaint/report form 75

Hate crime
addressing in a comprehensive approach 6
as related to disability 10
as related to national origin 10, 41
as related to race 10, 41
as related to religion 10, 41
as related to sex and sexual offenses
10, 41, 42
as related to sexual orientation
10, 18, 41, 47 note 2

Bias indicators 42, 121
chart of state hate crime laws 135
dangers of 10, 41
data collection and reporting requirements
6, 44–45, 53 notes 86 and 67
definition of 10, 41, 53 note 60
federal laws regarding 10, 18, 41, 47 note 2,
48 note 12
graffiti and vandalism. See Graffiti and vandalism
learning to recognize 6, 10, 41, 42
referral to law enforcement agencies. See Law enforcement agencies: referral of incidents to school’s role in preventing 6, 10, 45
state attorneys general. See State laws, against harassment and hate crime: consult state attorney general
state laws regarding 10, 41–42, 44–45, 47 note 2, 135. See also State laws, against harassment and hate crime

Hostile environment
policy language describing 19
totality of circumstances 19, 50 note 31

Indicators of bias/hate motivation
guidelines for determining hate motivation
42, 121
monitoring discipline referrals 25, 42

Individuals with Disabilities Education Act
51 note 40
Informal resolution procedures
mediation 29
policy language regarding 34
when appropriate to use 7, 26, 34
Investigating complaints

grievance procedures 33
how to investigate 33, 87, 97
impartial investigations required 26, 87
prompt and thorough investigations
required 8, 87
providing interpreters 33
scope of investigations 27
training investigators 9, 33, 36, 52 note 49, 87, 93, 97
types of investigations 26–27

G
Grievance procedures

Geiser v. Lago Vista Independent School District 133

Graffiti and vandalism
as violations of law 10, 43, 48 notes 13 and 15
monitoring the school environment for 26
preservation of evidence 10–11, 43, 48
notes 13 and 15, 53 notes 57 and 63, 80, 123
preventing recurrence 28, 37
protocol for handling 123

Grievance procedures
advising victim of 32
appeal process 34
Arizona sample complaint/report form 61
as part of policies prohibiting harassment.
See Policies prohibiting harassment: grievance procedures
checklist for reviewing 52 note 47, 93, 99, 108
complaints by persons with disabilities 32
components of 8, 31–34, 52 note 45
confidential information. See Family Educational Rights and Privacy Act (FERPA) and Confidentiality
corrective action 8, 34. See also Remedial action
designing grievance procedures 31, 32
discrimination 8, 35, 48 note 5, 52 note 46. See also Notification that harassment is prohibited: information on complaint procedures
doing process rights of alleged harasser
33, 51 note 41, 52 note 50
federal laws concerning 8, 31, 48 notes 5
and 7, 51 note 35, 52 notes 44 and 45
filing procedures 8, 32
formal complaint/unwritten complaint
distinguished 32
identify person to receive complaints
5, 8, 15, 20, 23, 51 note 35

Grievance procedures

Identifying and responding to bias/hate motivation

informal resolution procedures. See
Informal resolution procedures
information in other languages 31
indications for investigators 9, 33
investigating complaints 33, 87–91. See also Investigating complaints
making findings 33–34
Minnesota sample complaint/report form 66
need for in a comprehensive approach 6
providing information to persons with
disabilities 31, 52 notes 46 and 48
publicizing 31, 35
reasons for 8
representation of parties 33
reviewing past use 31
selecting and training investigator 33,
52 note 49. See also Training of staff: to conduct investigations
Step-by-Step Guidance 31–34
time frames for completing investigation
33, 52 note 52
time limits for filing 32
West Virginia sample complaint/report form 75

H
Harassment
based on association with protected class 7, 25
by employees 1, 16. See also Policies prohibiting harassment: application to harassment by employees
by other students 1, 16, 48–49 note 18. See also Policies prohibiting harassment: application to harassment by students
by third parties 1, 16, 36, 49 note 19. See also Policies prohibiting harassment: application to harassment by third parties
elements of a comprehensive approach 6
frequency 1, 47 note 3
harassment caused by 1, 9
hostile environment. See Hostile environment
importance of preventing harassment
5, 8. See also Preventing harassment: strategies for
types of harassment

Hate crime
addressing in a comprehensive approach 6
as related to disability 10
as related to national origin 10, 41
as related to race 10, 41
as related to religion 10, 41
as related to sex and sexual offenses
10, 41, 42
as related to sexual orientation
10, 18, 41, 47 note 2
bias indicators 42, 121
chart of state hate crime laws 135
dangers of 10, 41
data collection and reporting requirements
6, 44–45, 53 notes 86 and 67
definition of 10, 41, 53 note 60
federal laws regarding 10, 18, 41, 47 note 2,
48 note 12
graffiti and vandalism. See Graffiti and vandalism
learning to recognize 6, 10, 41, 42
referral to law enforcement agencies. See Law enforcement agencies: referral of incidents to school’s role in preventing 6, 10, 45
state attorneys general. See State laws, against harassment and hate crime: consult state attorney general
state laws regarding 10, 41–42, 44–45, 47 note 2, 135. See also State laws, against harassment and hate crime

Hostile environment
policy language describing 19
totality of circumstances 19, 50 note 31

Indicators of bias/hate motivation
guidelines for determining hate motivation
42, 121
monitoring discipline referrals 25, 42

Individuals with Disabilities Education Act
51 note 40
Informal resolution procedures
mediation 29
policy language regarding 34
when appropriate to use 7, 26, 34
Investigating complaints

grievance procedures 33
how to investigate 33, 87, 97
impartial investigations required 26, 87
prompt and thorough investigations
required 8, 87
providing interpreters 33
scope of investigations 27
training investigators 9, 33, 36, 52 note 49, 87, 93, 97
types of investigations 26–27

I
Indicators of bias/hate motivation
guidelines for determining hate motivation
42, 121
monitoring discipline referrals 25, 42

Individuals with Disabilities Education Act
51 note 40
Informal resolution procedures
mediation 29
policy language regarding 34
when appropriate to use 7, 26, 34
Investigating complaints

grievance procedures 33
how to investigate 33, 87, 97
impartial investigations required 26, 87
prompt and thorough investigations
required 8, 87
providing interpreters 33
scope of investigations 27
training investigators 9, 33, 36, 52 note 49, 87, 93, 97
types of investigations 26–27
L
Law enforcement agencies
assisting victim to file charges with 11, 43
collaboration with 6, 44
referral of incidents to
6, 7, 10, 11, 26, 42-43, 79
written agreements to collaborate
44, 45, 48 note 13, 53 note 68, 77

M
Martin Luther King, Jr.
Speech at Birmingham Jail 46
Massachusetts Office of the Attorney General
conflict intervention teams 125
Erasing Hate brochure 127
remedies available 11
Mediation of conflict. See also Community
Relations Service, U.S. Dept. of Justice
by students 37
collaboration intervention teams 125
Minnesota Sample School Policy
16, 19, 20, 63
Monitoring the school environment
6, 8, 26, 37

N
Nabozny v. Podlesny 19, 47 note 2,
51 note 33
National Association of Attorneys General
as originator of Guide 1
generally 46
how to contact 142
not endorsing particular policies 2
National origin, harassment based on
generally 1
immigrants 8, 16
policies prohibiting 16-17, 49 notes 21
and 22
speakers of languages other than English 16
National School Boards Association
how to contact 143
New Jersey Memorandum of Understanding
48 note 13, 53 note 68, 77
Notification that harassment is prohibited
Arizona sample notice form 61
as part of a comprehensive approach
5, 6, 8, 35
as related to school climate 8
content of notice 35
in alternative formats 52 notes 46 and 48
information on complaint procedures 8, 35
Massachusetts Erasing Hate brochure 127
Minnesota sample notice form 66
notice of nondiscrimination 47-48 note 5
notifying community agencies 35
notifying third parties 36
posting a short summary 35, 61, 66
publicizing the policy 35
notifying victim 35
notifying victim of complaint 35
notifying victim of grievance 35
notifying victim of investigation 35
notifying victim of resolution 35
notice of nondiscrimination 47-48 note 5
notifying community agencies 35
notifying third parties 36
posting a short summary 35, 61, 66
publicizing the policy 35
to include identity of compliance coordinator
9, 51 note 35
West Virginia sample notice 75

O
Offender rehabilitation programs
27, 28, 110
Office for Civil Rights (OCR)
as originator of Guide 1
federal statutes and regulations enforced by
OCR 47 note 1
generally 46
how to contact 139
not endorsing particular policies 2
responsibility to resolve harassment complaints 11

P
Parental involvement
5, 6, 7, 8, 23, 24, 38, 46, 83-84, 151
Perpetrator, working with 6, 27, 28, 110
Personnel policies
consistency with policies against harassment
5, 28, 29
discipline of employees who commit harassment
5, 28, 29
due process. See Due process rights of
alleged harasser
Policies prohibiting harassment
application consistent with the First
Amendment 2, 20-21
application to harassment by employees 16,
17, 50 notes 26 and 27
application to harassment by students
16, 48-49 note 18
application to harassment by third parties
16, 49 note 19
Arizona Sample School Policy 57
by person of same sex 17, 18
Committee to enforce 5, 15, 16
compliance coordinator 15
components 5, 15
coverage 15, 16
discrimination of 5, 6, 35
examples of harassment 5, 15
harassment based on disability 28, 49 note 20
harassment based on disability 18, 50 note
30
harassment based on race/national origin
16-17, 49 notes 21 and 22
harassment based on religion 19
harassment based on sexual orientation 19,
20, 47 note 2, 51 note 34
hostile environment defined 15, 19
institutional remedies 52 note 43
Minnesota Sample School Policy 63
necessity of grievance procedures
5, 15, 20
need for in a comprehensive approach 6
process for developing 15
Pursuant to state law 16, 19
remedial action 15, 52 note 43
required reporting by staff 5, 15, 20, 25
retaliation 15
settings in which apply 15, 16
sexual harassment 17-18. See also Sexual
harassment
tailor to district’s needs 15
treatment under federal law 47-48 note
5, 48 note 16
Vermont Model Anti-Harassment Policy 67
West Virginia Legislative Rules 71
Preventing harassment
importance of 5
strategies for 5, 7, 8, 9, 29, 35-39,
53 note 66, 83, 109, 117
Preventing Youth Hate Crime: A Manual for
Schools and Communities 9, 149
Protecting Students from Harassment and Hate
Crime
created by OCR and NAAG 1
purpose of 1

R
Race, harassment based on
definition of 16-17
examples of 16-17
generally 1, 8
policies prohibiting 16-17, 49 note 22
Preventing Incidents and Harassment Against
Students. See Racial Incidents and
Harassment Against Students at
Educational Institutions; Investigative
Guidance; Notice
Self-evaluation and Planning Guide 107-108
Racial harassment. See Race, harassment
based on
Preventing Incidents and Harassment Against
Students at Educational Institutions;
Investigative Guidance; Notice 1, 51 note 68, 47 note 4,
49 note 20, 149
Prevention to law enforcement agencies. See Law
enforcement agencies: referral of
incidents to
Religion, harassment based on 1, 19
Remedial action
changes in policies and procedures 28-29
disclosure of to victim. See Family
Educational Rights and Privacy Act
(FERPA); disclosure of remedial action
generally 8, 15, 27-29
institutional changes 7, 29-29, 52 note 43
to prevent recurrence 7, 27, 28, 29, 34
to restore a nondiscriminatory environment
28
transfer of victim 28
types of 27-29
Reporting harassment. See also Responding
to harassment
flexible responses 23
identify person to receive reports 5, 15, 23
interviewing victim 24
procedures for 5, 7-17, 9, 23, 35, 110
required reporting by staff 5, 7, 20, 25
Sample Hate-Motivated Behavior Incident
Report 113
sample report/complaint forms 61, 66, 75
screening of reports by administrators
7, 9, 25, 26

Index 155
School security personnel
resource for addressing harassment 10, 45

Section 504 of the Rehabilitation Act of 1973
auxiliary aids 52 notes 46 and 48
citation 47 note 1
compliance coordinator 38, 48 notes 5 and 11, 53 note 59
discipline of students with disabilities 51 note 40
grievance procedures 48 notes 5 and 7, 52 notes 44 and 45
harassment based on disability 18, 50 note 29
notice of compliance coordinator 51 note 35
notice of nondiscrimination 48 note 5
retaliation 51 note 36
Sexual Harassment Guidance; Harassment of Students by School Employees, Other Students, or Third Parties; Notice
by employees 17, 18, 50 notes 26 and 27, 133
by person of same sex 17, 18, 50 note 24
by students 48–49 note 18
by third parties. See Policies prohibiting harassment; application to harassment by third parties
defined 17
example of policy language 17
generally 1, 8
hostile environment and quid pro quo discussed 17
nonsexual physical contact 18, 50 note 28
gay and lesbian students 18, 47 note 2, 50 note 25
responding to reports of sexual harassment 23
training 18
unwelcome conduct 18, 50 notes 26 and 27
Sexual Harassment Guidance; Harassment of Students by School Employees, Other Students, or Third Parties; Notice
availability 149
citation 47 note 4
confidentiality issues 24, 51 note 39, 52 note 42
due process rights of alleged harassers 52 note 50
First Amendment 21, 51 note 37
generally 1
grievance procedures 52 notes 44 and 45
harassment by person of same sex 50 note 24
harassment by third parties 49 note 19
hostile environment 50 note 31
informal resolution procedures 34
nonsexual physical contact 50 note 28
sexual harassment of gay and lesbian students 50 note 25
unwelcome conduct 50 note 26
Sexual offenses
relationship to hate crimes 41
Sexual orientation, harassment based on
damage from 1, 19–20, 47 note 2
Equal Protection Clause. See Nabozny v. Podlesny
elements of 51 note 34
generally 1, 19–20, 47 note 2
Nabozny v. Podlesny 19, 47 note 2, 51 note 33
policies prohibiting 23, 47 note 2, 51 note 34
responding to reports of harassment based on sexual orientation 23, 24
Sexual violence 41, 50 note 23
State laws against harassment and hate crime
availability of state law remedies 1, 11, 26, 41–42, 47 note 2
chart of state hate crime laws 135
consult state attorney general 1, 11, 16, 41, 140
data collection and reporting requirements 44–45
harassment based on disability 1, 11
harassment based on national origin 1, 11
harassment based on race 1, 11
harassment based on religion 1, 11, 16, 19
harassment based on sex 1, 11
harassment based on sexual orientation 1, 11, 16, 18, 19, 47 note 2
referrals and collaboration with law enforcement agencies. See Law enforcement agencies
Student activity and mediation programs
elements of 53 note 56, 83–84, 151
to improve school climate 9, 36, 36–37, 53 note 56, 83
usefulness in a comprehensive approach 6
Student to student harassment
legal issues 48–49 note 18

T
Teaching appropriate behavior 7, 9, 37, 53 note 56, 110
Technical assistance. See Resources: technical assistance
Title IX of the Education Amendments of 1972. See also Sexual Harassment Guidance; Harassment of Students by School Employees, Other Students, or Third Parties; Notice
citation 47 note 1
compliance coordinators 38, 47–48 note 5, 48 note 11, 51 note 35, 53 note 59
grievance procedures 47–48 note 5, 48 note 7, 52 notes 44 and 45
letter from the Secretary of Education 133
nonsexual physical contact 50 note 28
notice of compliance coordinator 51 note 35
notice of nondiscrimination 47–48 note 5
retaliation 51 note 36
same sex harassment. See Sexual harassment: by person of same sex
sexual harassment of gay and lesbian students 18, 50 note 25
student to student harassment 48–49 note 18
unwelcome sexual conduct 18, 50 note 26
Title VI of the Civil Rights Act of 1964 31, 38, 47 note 1, 49 note 20, 51 note 36
Training of staff
as part of a comprehensive approach 6
assessing adequacy of 9
in diversity principles 9, 36, 83
in First Amendment principles 21
of supervisors 36
on-the-spot intervention 25, 36
skills needed by staff 8. See also Curriculum to help prevent harassment: training staff to use
to conduct investigations 9, 33, 36, 52 note 49, 87, 97, 97–98
to perform duties designated by school policies 9, 35–36
to respond to harassment 23
Training of students
curriculum. See Curriculum to help prevent harassment
new students 84
on harassment policies and grievance procedures 8, 36
sensitivity training 6, 9, 21, 29, 36, 83
sexual harassment 18

U
University of Massachusetts – Amherst
protocol 48 note 15, 123

V
Vermont, State Board of Education Model Policy 18, 34, 49 note 21, 50 note 30, 51 notes 34 and 40, 52 note 52, 67
Victim support. See Responding to harassment: support for victim

W
West Virginia Legislative Rules 17, 50 notes 23 and 27, 52 note 52, 71