



# SAN MATEO UNION HIGH SCHOOL DISTRICT POLICY BULLETIN

ROUTING

All Employees

All Locations

## Responding to and Reporting Hate-Motivated Incidents and Crimes

**DATE:** July 28, 2015

**POLICY:** The San Mateo Union High School District (District) is committed to providing a safe learning and working environment that is free from discrimination and harassment. Hate-motivated incidents and crimes jeopardize both the safety and well-being of all students and staff. Current law requires school districts to document and report any and all hate-motivated incidents and crimes to permit the development of effective programs and techniques to combat crime on school campuses.

The District will not tolerate hate-motivated incidents/crimes based on race, color, national origin, religion, disability, sex, sexual orientation, gender identity, or retaliation in any form for reporting such incidents/crimes.

This bulletin is aligned with District policy and procedures for the documentation and reporting of hate-motivated incidents/ that manifests evidence of hostility toward the target because of his or her actual or perceived race, color, national origin, religion, disability, sex, sexual orientation or gender identity. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings. This also includes threats or hate mail sent by electronic communication.

**ISSUER:** Don Scatena  
Director of Student Services

KindyLee Mackamul  
Associate Superintendent, Student Services

Kirk Black, Ed.D,  
Deputy Superintendent, HR and Instruction

### **GUIDELINES:**

#### **I. Definitions**

- A. Hate Motivated Incident: A “hate-motivated incident” means an act or attempted act which constitutes an expression of hostility against a person, property, or institution because of the target’s real or perceived race, color, national origin, religion, disability, sex, sexual orientation, or gender-identity. This may include using bigoted insults, taunts, or 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, Web sites, or any other electronic or written communication.
- B. Hate Motivated Crime: A “hate-motivated crime” means a “hate-motivated incident” that has been investigated by law enforcement and determined to be criminal in nature and a violation of the law. This includes any criminal action.

## II. Indicators in Identifying Hate-Motivated Incidents/Crimes

The following questions may assist in determining whether an act or action is a hate-motivated incident/crime:

1. Was an actual crime or attempted crime, such as vandalism, assault or battery committed? Both verbal and written threats may be included in this consideration.
2. Was the incident/crime directed at a particular person or group of persons because of the actual or perceived race, color, national origin, religion, disability, nationality, sex, sexual orientation, or gender identity of the person or group of persons (protected categories)?
3. Did the perpetrator intentionally select the target because of his or her belonging to a protected category (listed in #2 above)? There must be some indication that the perpetrator's actions were motivated by bias/prejudice against the deliberately selected target (a person who is actually, or perceived to be a member of or affiliated with one of the above-referenced "protected" categories.)
4. Was a substantial motivation for the perpetrator's action because the target was a member or perceived member of one of the "protected" classes referenced above?
5. Did the perpetrator perceive that the target fell within one of the protected categories (listed in #2 above)?

If the answers to the above-listed indicators have been determined to be true, then the incident may be hate-motivated or rise to the level of a hate-motivated crime. However, conduct that does not rise to the level of a "hate-motivated crime" may still be considered to be a hate-motivated incident, unlawful discrimination, and/or inappropriate behavior, and may require follow-up, some type of corrective or administrative action, and/or discipline, as appropriate.

## III. Administrative Responsibilities

### A. Preventative Measures

- Each school principal should, as part of the school's Safe School Plan, identify the administrator(s) responsible to serve as complaint manager(s)/administrators and establish a systematic process to respond to and report hate-motivated incidents/crimes. This process should include directions for response and assistance to the target, consultation with and/or reporting to Local Law Enforcement, use of disciplinary action, and District reporting procedures.
- A non-school site administrator or supervisor is responsible to identify the administrator(s) or supervisor(s) responsible to respond to and report hate-motivated incidents/crimes.
- Communicate and ensure that staff, students, and parents are informed of District policy requiring the promotion of mutual respect and acceptance, and District policy and school policy regarding hate-motivated behavior.
- Inform students, parents, and employees of this policy and the reporting procedures for targets of or witnesses to hate-motivated behaviors.
- Provide in-service training to certificated and classified staff to ensure that staff is clearly familiar with and able to identify the indicators of hate-motivated behavior and understand their individual responsibilities to respond, intervene, and report such behavior.

- Review on a quarterly basis all documented hate-motivated incidents/crimes in accordance with the Safe School Plan – Volume I, and alert school personnel of any developing trends or areas of concern that might merit further attention/response.

## B. Immediate Responses to Hate-Motivated Incidents/Crimes

- Intervene immediately to witnessed events, respond quickly to reported incidents, and take action to stop the hate-motivated behavior.
- Ensure the safety of the target by offering any assistance that may be appropriate and by advising the target to contact the complaint manager/administrator who can stop the behavior and help if the situation continues, escalates, or arises again.
- Assure all parties involved in hate-motivated behavior that the District takes hate-motivated behavior seriously, has a strong policy against hate-motivated behavior, and will not tolerate such behavior.
- Investigate to gain an understanding of the situation. Obtain specific information relevant to the situation, where and when the incident occurred, and whether this was an isolated incident, related to previous incidents, or suggestive of a broader pattern requiring further administrative action. Obtain names and statements from the target and from witnesses, as appropriate. Additionally, provide all parties involved with assurances regarding District policies on confidentiality and non-retaliation in the complaint investigation process.
- Under the Penal Code, notification to local law enforcement should be made under the following circumstances:
  - Assault with a deadly weapon
  - Possession or sale of narcotics or a controlled substance
  - Possession of a firearm at a public school
  - Possession of a dirk, dagger, ice pick, knife having a fixed blade longer than 2 1/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, Taser or stun gun, BB or pellet or other type of air gun, or spot marker upon the grounds of any school within a K-12 school district.
- Reasonable efforts should be made to document and/or preserve evidence relating to the incident. Consult with Local Law Enforcement on the reporting of hate-motivated incidents/crimes, as well as procedures for securing the location or the gathering of evidence.
- For additional assistance, consult with the Director of Student Services
- For incidents involving employees as the suspected or alleged perpetrator of a hate-motivated incident/crime, consult with your supervisor and the Deputy Superintendent of HR and Instruction.

## C. Responding After the Incident

- Move forward with appropriate disciplinary action that is consistent with the District's student discipline policy and procedures.
- The "Incident Report Form – Complaint/Investigation Record" (Attachment A) must be used to document any incidents suspected of being or alleged to be hate-motivated, regardless of whether the incident meets the criteria of a crime, is deemed to be an act of unlawful discrimination, or is merely inappropriate behavior.

- Determine whether additional follow-up activities are necessary, for example, a staff development or student educational activity.
- After monitoring to ensure that the action is not continuing, forward a copy of the completed “Incident Report Form – Complaint/Investigation Record” (Attachment A) to the Director of Student Services. Keep the originals of these forms for the quarterly review of the Safe School Plan by the Safe School Planning Committee.

#### **IV. Staff Responsibilities**

Employees shall:

- Support the District’s efforts to prevent hate-motivated incidents/ crimes by learning to recognize the indicators of such actions and effectively taking steps to intervene immediately when such actions occur.
- Understand their individual responsibility to report such situations/incidents to the site administrator and or administrator-designated Complaint Manager/Administrator.
- Share responsibility for creating an environment where students and staff know that hate-motivated incidents/crimes will not be tolerated.
- Encourage anyone alleging that he or she is a target of, or a witness to, a hate motivated incident/crime to report such an incident.
- Cooperate in any investigation of a hate-motivated incident/crime.
- Guard against any actions that could be considered retaliatory against anyone who has made a report or is participating in an investigation of a hate-motivated incident/crime

#### **V. Student Responsibilities**

Students shall be informed that:

- They share a responsibility for creating a safe school environment and that they can do that by treating others with mutual respect and acceptance, and by being sensitive as to how others might perceive their actions and/or words.
- They are not to engage in or contribute to hate-motivated behaviors, actions or words.
- In cases where they may be a witness to or a target of a hate-motivated incident/crime, they have the responsibility to report such an incident to the site administrator.
- They are never to engage in retaliatory behavior or ask of, encourage, or consent to anyone’s taking retaliatory actions on their behalf

#### **VI. District Responsibilities**

The Director of Student Services shall:

- Review all copies of the “Incident Report Form – Complaint/ Investigation Record” (Attachment A) for completeness and determine whether additional information might be needed and whether appropriate District policy procedures were followed. For example, did the reported

incident also require the reporting of child abuse or sexual harassment, school police or local law enforcement contact, or any other type of action, according to District policy procedures?

- Determine whether additional resources or assistance might be required or suggested to the school.
- As appropriate, provide copies of the “Incident Report Form – Complaint/Investigation Record” to: Deputy Superintendent of Human Resources and Instruction.
- On a quarterly basis, provide a summary of the incident reports to the Superintendent.

#### **ATTACHMENT:**

Attachment A: Complaint Investigation Record (Student) Discrimination/Harassment and/or Hate-Motivated Incident/Crime

#### **AUTHORITY:**

This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

Article 1; Section 28(c) of the California State Constitution

California Education Code §200—(Educational Equity)  
*Title 5, California Code of Regulations, §4900(a) and §4910(k)*

#### **RELATED RESOURCES:**

Policy Bulletin Expulsion of Students – Policy and Procedures

“Parent-Student Handbook

#### **ASSISTANCE:**

Based on the information in this policy bulletin and related resources, seek assistance as needed or contact a supervisor from one of the following District offices:

##### **Director of Student Services**

Don Scatena

(650) 558 - 2258 (Office)

dscatena@smuhsd.org

For assistance with determining whether an incident should be reported as suspected child abuse/neglect, contact the Department of Children and Family Services Hotline at (800) 540-4000.

##### **Deputy Superintendent, Human Resources and Instruction**

Kirk Black, Ed.D

(650) 558 - 2259

kblack@smuhsd.org



**SAN MATEO UNION HIGH SCHOOL DISTRICT  
STUDENT RECORDS AND ENROLLMENT POLICY**

Attachment A  
**Confidential**

**Complaint Investigation Record (Student)  
Discrimination/Harassment and/or Hate-Motivated Incident/Crime**

**Student:** \_\_\_\_\_ **School:** \_\_\_\_\_

**RECORD OF INVESTIGATION:**

Interview alleged target(s) of incident/crime	Date(s)	Interview accused person(s)	Date(s)
Interview witnesses (if any)	Date(s)	Name of Investigator	

**FINDINGS DETERMINATION:**

<input type="checkbox"/> Findings indicate that discrimination/harassment occurred	<input type="checkbox"/> Corrective actions needed
<input type="checkbox"/> Findings indicated that hate-motivated incident/crime occurred	<input type="checkbox"/> Corrective actions needed
<input type="checkbox"/> Findings indicate that inappropriate behavior occurred	<input type="checkbox"/> Corrective actions needed
<input type="checkbox"/> There are no findings of hate-motivated incident crime, discrimination/harassment or inappropriate behavior	<input type="checkbox"/> No corrective actions needed

**CORRECTIVE ACTIONS (Check all that apply):**

Involved Accused Person(s)	Date	Involving Alleged Target(s)	Date
<input type="checkbox"/> Parent Informed of Complaint <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone		<input type="checkbox"/> Parent Informed of Complaint <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone Caution- With conduct related to gender identity or sexual orientation, consult with alleged target as to a safe way to inform parent/guardian of the conduct.	
<input type="checkbox"/> Provide/Explain District discrimination harassment/hate-motivated incident crime policies		<input type="checkbox"/> Provide/Explain District discrimination harassment/hate-motivated incident crime policies	
<input type="checkbox"/> School/School Mental Health/Outside Counseling Referral		<input type="checkbox"/> School Counseling Referral	
<input type="checkbox"/> Education/Behavior Contract		<input type="checkbox"/> Outside Counseling Referral	
<input type="checkbox"/> Class Schedule Change		<input type="checkbox"/> District Counseling Referral to School Mental Health Clinic/Wellness Center	
<input type="checkbox"/> School Discipline Provided			
<input type="checkbox"/> Disciplinary Conference			
<input type="checkbox"/> Opportunity Transfer			
<input type="checkbox"/> Suspension		<input type="checkbox"/> Monitor to Check that Unwanted Behavior has stopped <input type="checkbox"/> After One Week <input type="checkbox"/> After Two Weeks	
<input type="checkbox"/> Expulsion			
<input type="checkbox"/> Accused Person's Parents Notified of Resolution of Incident/Complaint		<input type="checkbox"/> Safety Plan	
<input type="checkbox"/> Safety Plan		<input type="checkbox"/> Other	
<input type="checkbox"/> Other			

**DESCRIBE OTHER ACTIONS TAKEN OR FURTHER REMEDIAL ACTION TO BE UNDERTAKEN TO PREVENT RECURRENCE OF THE INCIDENT BEHAVIOR:**

**NOTIFICATIONS OF FINDINGS AND ACTIONS TAKEN:**

<input type="checkbox"/> Targeted Person - Date(s):	<input type="checkbox"/> Parents - Date(s):	<input type="checkbox"/> Law Enforcement - Date(s):
<input type="checkbox"/> Accused Person - Date(s):	<input type="checkbox"/> Parents - Date(s):	<input type="checkbox"/> CPS - Date(s):

**Retain investigation records in a central location. Provide copy of the completed record to the Director of Student Services**

\_\_\_\_\_  
**Name of Administrator Completing Investigation**

\_\_\_\_\_  
**Date**

**For assistance, please contact Director of Student Services - Don Scatena - (650) 558-2258 - dscatena@smuhsd.org**