

Students - Welfare

Hate Speech and Hate-Motivated Conduct

The Board of Education is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other conduct motivated by hate.

“Hate speech” is defined as abusive, threatening, insulting, harassing or intimidating speech, writing or symbols directed or targeted at another individual or group of individuals, which (1) infringes on their right to be secure or left alone at school; and (2) which expresses prejudice against a particular group motivated by hostility towards the other individual’s real or perceived characteristics, including, but not limited to, race, color, ancestry, nationality, national origin, immigrant status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, gender, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55. A student’s use of hate speech shall be considered prohibited discrimination and a hate motivated act. Hate speech communicates a message of intolerance, and discrimination and creates an actual or reasonably foreseeable substantial disruption to the educational environment, and negative psychological impact on students.

Hate-motivated conduct is any action intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or whole by bias or hostility towards the victim’s real or perceived race, color, ancestry, nationality, national origin, immigrant status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, gender, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate speech and hate-motivated conduct to the extent possible, and address such incidents if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate speech and hate-motivated conduct is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate speech and hate-motivated conduct, and/or education of students who have perpetrated hate-motivated acts.

The District shall provide students with age-appropriate instruction that:

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1. Explains that hate speech and all discriminatory conduct is not acceptable.
2. Explains the harm and dangers of explicit and implicit biases.
3. Discourages discriminatory attitudes and practices.
4. Promotes an understanding, awareness, appreciation, and respect for human rights, diversity, and acceptance in a multicultural society.
5. Includes the development of social-emotional learning.
6. Provides strategies to manage conflicts constructively.

This policy shall also apply to expression on social media and conduct in the community, when the speech has some nexus to the school. As defined in Board Policy 5131 Conduct, prohibited student conduct includes: discrimination, harassment, intimidation, or bullying of students or staff, including hate-motivated behavior, cyberbullying, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program.

As a general rule, any student who uses hate speech shall be first counseled about the use of hate speech, educated about the history and social ramifications of the speech, and told that messages and other acts of hate, intolerance, and discrimination are unacceptable at school and, if continued, will lead to further discipline, up to and including suspension and involuntary transfer to another District school. Parents/guardians of students who use hate speech or engage in a hate-motivated act will be notified by school staff.

Suspension and expulsion for hate speech shall be implemented as appropriate and to the extent allowable by law. Suspension and expulsion shall be reserved for students whose use of hate speech has continued to occur after attempts to counsel and educate the student about appropriate speech and behavior; when the hate speech is linked to other serious misconduct; or when the behavior is severe or pervasive as defined in Education Code 48900.4.

The District shall provide counseling, guidance, and support to students who are victims of hate speech and/or hate-motivated conduct. Parents/guardians will be notified of any incident in which their student was a victim of hate speech or hate-motivated behavior. A student safety plan will be developed with collaboration between school staff, parents/guardians and the student.

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The Superintendent or designee shall provide staff with training on recognizing and preventing hate speech and hate-motivated conduct and on effectively enforcing rules for appropriate student behavior, as well as:

1. Promotes an understanding of diversity, equity, and inclusion.
2. Discourages the development of discriminatory attitudes and practices.
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods.
4. Supports the prevention, recognition, and response to hate-motivated acts.
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior.
6. Includes effective enforcement of rules for appropriate student conduct.

Employees who engage in hate-motivated acts shall be subject to disciplinary action, up to and including dismissal.

The Superintendent or designee shall ensure that the rules prohibiting hate speech and hate-motivated conduct and procedures for reporting a hate-motivated incident are provided to students, staff and parents/guardians.

This policy shall be posted in a prominent location on the District's web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints-Process

A student or parent/guardian who believes any student is a victim of hate speech or hate-motivated conduct is strongly encouraged to report the incident to a teacher, the principal, the District's compliance officer, or other staff member. Should the student or parent/guardian wish to make the report anonymously they may do so using the District's tip line.

Any staff member who is notified that a hate-motivated incident has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the school's administration team (e.g. principal or assistant principal) who will then contact the District's compliance officer responsible for coordinating the District's investigation response to complaints

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and complying with state and federal civil rights laws. As appropriate, the administrator shall also contact law enforcement. It is the responsibility of the school site's administration team to promptly and appropriately respond to hate-motivated incident while coordinating with the District's compliance officer.

Any complaint of hate speech or hate-motivated conduct shall be investigated and, if determined to be substantiated, shall be resolved in accordance with law and the District's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Legal Reference: Education Code, Sections 200-262.4; 32282; 48900.3; 48900.4
Penal Code, Sections 422.55; 422.6
Code of Regulations, Title 5, Sections 4600-4670; 4900-4965
Code of Regulations, Title 28, Section 35.107
Code of Regulations, Title 34, Sections 100.3; 104.7; 106.8; 110.25
Court Decisions:
C.R. v. Eugene School District 4J, (9th Cir. 2016) 835 F.3d 1142
Wymar v. Douglas County School District, (9th Cir. 2013) 728 F.3d 1062
Tinker v. Des Moines Independent Community School District, (1969) 393
U.S. 503

Policy Adopted: 01/14/2003

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