

Eugene School District 4J

Code: ACC
Adopted: 03/02/22

Racial Harassment

Purpose and Scope

All forms of racially oppressing conduct are harmful to the district's mission, values and goals, and combatting expressions of personal racism in district schools is a legal and moral imperative. The district is committed to providing an inclusive educational environment, free from racial oppression. The district also acknowledges the central role that educators have in recognizing and interrupting demonstrations of personal prejudice, educating persons who have violated this policy, teaching inclusion, and in creating an inclusive learning and working environment.

This policy applies in all programs and activities of the district, including on school grounds and the area immediately adjacent to school grounds, on district online and remote learning programs and platforms, on school-provided transportation, at an official school bus stop, or at any activity, program, athletic or other event, internship or trip sponsored by the district. It applies to all persons in the district, including students, staff, board members and volunteers. This policy may be applied to off campus racial harassment only to the extent that it substantially disrupts the educational environment, or targets particular individuals and is so serious or severe as to deny or limit their ability to participate in or benefit from the educational program.

This policy does not prohibit the display of symbols or language used in the teaching curriculum or other learning opportunities that are aligned to state standards and support the goals of this policy.

Definitions, Expectations and Consequences

Racially harassing conduct means unwelcome physical, verbal or nonverbal conduct based on the person's actual or perceived race, color, national origin or ethnicity; or physical characteristics historically associated with race, a place of origin, protected class ethnicity or religious or cultural ancestry. It creates a hostile environment when the conduct is so severe, persistent or pervasive so as to interfere with or limit a person's ability to participate in or benefit from the district's educational program or activity or creates an intimidating, threatening, hostile or offensive educational or employment environment.

This policy seeks to prevent, and prohibits, all forms of racially harassing conduct in district programs and activities, even if the conduct does not include an intent to harm; is not directed at a specific target, involve repeated incidents, result in tangible injury or detriment, or constitute a hostile environment or bias incident.¹ However, context and intent will be factored in the response to the conduct.

Examples of conduct prohibited by this policy, regardless of intent, include but are not limited to: racial slurs or epithets; race-based chants or comments against student athletes; unwelcome gestures or acts of physical aggression based on the person's race or ethnicity; derogatory language about a person's skin color, accent, appearance or dress when linked to ethnicity or ancestry; statements or display of graffiti or printed material promoting racial stereotypes; offensive jokes or comments about a religious group when based on actual or perceived shared ancestry, ethnic characteristics or residency in a country with a distinct religious identity; display of symbols of hate as defined by board policy ACB; and verbal or nonverbal slights or insults which communicate hostile, derogatory or negative messages to persons based on their race or ethnicity.

Students are expected to follow the standards for student behavior established in this policy and the Student Rights and Responsibilities Handbook (SRRH) and to hold their peers to the standards established by this policy.

¹ As provided in policy ACB, a "bias incident" means a person's hostile expression of animus toward another person, relating to, among other things, the other person's perceived race, color, religion or national origin, of which criminal investigation or prosecution is impossible or inappropriate.

Teachers and other staff who have knowledge of racial harassment are responsible for taking action to stop the behavior, report it that day to the school administrator and prioritize the safety and well-being of persons impacted.

The school administrator has overall responsibility for compliance with this policy at the school, investigations of and responses to racial harassment at the school level. A building administrator will investigate reports of racial harassment as soon as possible and take prompt and effective remedial action.

Students who violate this policy are subject to discipline as provided in the Student Rights and Responsibilities Handbook. Staff members who violate this policy, including by failing to stop or appropriately respond to a report of racial harassment, are subject to discipline. Others who violate this policy may be excluded from district premises.

Reporting and Administrative Action Upon Receipt of a Report

Students and families are encouraged to report their concerns promptly. Reports may be made in writing or verbally to a school administrator or other trusted school employee. The district will provide multiple avenues for reporting, including an optional Student Safety Reporting Form, available from the school and on the district website, and a mobile reporting option. Reports may also be made through Safe Oregon at 1-844-4-SAFE-OR (text or call) or www.safeoregon.com. Reports by staff members and others are expected to be made promptly to the school administrator or department director. Reports may be made anonymously.

Any report alleging a violation of this policy by a person to whom a report would ordinarily be made shall instead be made to or filed with the district's Title VI or IX coordinator (students), the human resources director (employees), or to the superintendent.²

Upon a report or knowledge of a potential racial harassment incident, the school administrator, department director or designee shall, without delay:

1. Acknowledge receipt of the report and inform the person(s) at whom the behavior was directed, the person alleged to have committed the behavior if known, and the parents of such persons that an investigation has been initiated;
2. Take interim actions necessary to maintaining a safe learning environment and commit to preventing further harm against persons impacted. This will include a description of resources and support structures appropriate to the circumstances;
3. Assess the allegations, consider whether the behavior violates other board policies or civil rights laws, and follow requirements of applicable policies. Potential violations of policy ACB – Bias Incidents and Hate Symbols shall be processed in accordance with regulation ACB-AR in addition to any procedures required by this policy.
4. Conduct a thorough, sensitive and timely investigation of all racial harassment allegations as soon as possible, find facts and determine responsibility. Should an investigation not be completed within 10 work days, an update should be provided to impacted persons.
5. Provide an appropriate response for the offender, impacted person(s), and school community that is tailored to the circumstances.
 - The response must be reasonably calculated to stop the harassing conduct or discrimination, prevent its recurrence, and include educational components that promote understanding of and respect for human rights and diversity. The administrator will prioritize practices that repair the violator's connection with the school community, and promote social-emotional learning, growth and transformation of the individual who caused harm. When appropriate and voluntarily agreed to by all parties, the response may include structured communication with the impacted person(s).
 - The response must address any continuing effect on the impacted person(s), through means such as offers of counseling, tutoring, safety planning or access to other support structures.

² Reports against the superintendent should be made to the board chair. Reports against a board member shall be made to the board chair and processed in accordance with administrative regulation KL-AR.

- The administrator will investigate and implement needed measures in the school community to address climate issues, promote transformation in the school culture, and prevent recurrence of incidents
6. Notify the impacted person(s) and perpetrator(s), and their parents or guardians if they are students, regarding the outcome of the investigation. Communicate that retaliatory behavior of any kind against any complainant or any participant in the complaint process is defined as harassment and will not be tolerated.
 7. Document each racial harassment allegation and investigation and provide documentation required by the district's office in a timely fashion.
 8. Monitor the school climate and promptly address problems that could lead to harassment.

Formal Grievance Procedure

If a person is dissatisfied with the school or district's action or inaction in responding to alleged racial harassment or discrimination, or if the school fails to render a decision within 30 days of the report, they may appeal by filing a formal complaint with the superintendent's office, using the district complaint form available on the district website at www.4j.lane.edu/contact/complaints or from the superintendent's office. In such a case, the formal complaint procedures and timelines in administrative regulation KL-AR will apply.³ These procedures provide for an appeal of final district decisions to the Oregon Deputy Superintendent of Public Instruction as provided in OAR 581-002-0001 to 581-002-0023.

District Responsibilities

The district will:

1. Provide an educational program that teaches students to be respectful of others in a diverse society and to understand the impact of racial harassment on students, staff and community;
2. Provide information and orientation to students every year about harassment and student rights and responsibilities under this policy including a variety of safe ways to make reports;
3. Publicize this policy in student and family handbooks and to employees;
4. Provide mandatory training and orientation of staff on the contents of this policy. Training will include teaching staff how to create positive educational environments; and prevent, recognize, discourage and respond to racial harassment;
5. Ensure appropriate documentation of reported incidences;
6. Ensure appropriate educational, corrective and remedial measures are implemented;
7. Conduct an annual review of major incidents of racial harassment and report the information annually to the board; and
8. Maintain partnerships in the community that will enhance the district's ability to prevent and comprehensively respond to major incidents.

Retaliation

Anyone reporting or participating in an investigation into racial harassment shall be free from retaliation. Retaliation includes harassment, intimidation, threats, coercion and discrimination against a person because that person has in good faith reported information that the person believes is evidence of a violation of this policy. Retaliation shall be considered a serious violation of board policy independent of whether a complaint is substantiated.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Any person found to knowingly make false accusations of racial harassment shall be subject to discipline.

END OF POLICY

³ When a violation of this policy is initially reported through the filing of a formal complaint at step one, the appeal shall be heard by the superintendent at step two.

Legal Reference(s):

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d (2018)

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e (2018)

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ORS 659.850

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