

Hate-Motivated Behavior

Definitions

For the purpose of reporting to the Attorney General, a hate crime is defined in California Penal Code Section 13023, which reads in part, "any criminal act(s) or attempted criminal act(s) to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, physical or mental disability".

Bias-motivated incidents are defined as school-related behavior which constitutes an expression of hostility against the person or property of another because of the victim's race, religion, disability, gender, ethnicity, or sexual orientation. However, bias-motivated incidents include those actions that are clearly motivated by bias, but do not meet the necessary elements require to prove a crime. This may include such behavior as non-threatening name calling, using racial slurs, or disseminating racist leaflets.

All hate-crimes and bias-motivated incidents shall require appropriate staff action, which at the minimum, provide for the following:

1. Respond quickly to incidents.
2. Reassure the victim and his or her family that the incident will be treated seriously.
3. A complete investigation of the incident, including the questioning of victim(s), witness(es) and involvement of law enforcement when appropriate.
4. Submit a hate crime/bias-motivated incident report to the appropriate district office.
5. Additional hate crime/bias-motivated reports shall be the responsibility of the appropriate law enforcement agency.
6. Determine whether or not additional follow-up activities are necessary, i.e., staff and student awareness activities, response to media.
7. Determine proper disciplinary action to be taken.
8. Assist victim(s) if applicable. Provide reference to victim support agencies.

Disciplinary action taken against any student shall be applied pursuant to Education Code 48900, Grounds for suspension and Expulsion and 48900.5, Suspension.

Acts involving physical injury, weapons, or incidents related to robbery or extortion must be dealt with, according to Board policy.

For bias-motivated incidents, disciplinary responses deemed most appropriate fall into the areas of awareness, counseling and communication. All appropriate parties must be involved: students, parents, school personnel and community resources.

Current state law requires that districts report school crime statistics to the California Department of Education, twice annually.

The report form in the Exhibit (a) must be submitted to the appropriate district offices within 5 working days of the incident.

Each school site administrator will discuss in depth the content of BP/AR 5145.9, Hate-Motivated Behavior with all employees at the beginning of the school year and with all new employees at the time of their assignment.

The principal of each school, in a collaborative effort with staff, students and parents/guardian shall develop effective measures to eliminate hate crime/bias motivated incidents and to educate students, staff and parents/guardians in cultural understanding and in promoting racial harmony.

The following statement taken from Board Policy 5145.9 Hate-Motivated Behavior should be included in the Executive Summary of the School Site Plan: "The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods of handling such behavior in appropriate ways. At the beginning of each school, students and staff shall receive a copy of the district's policy on hate-motivated behavior."

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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