



TITLE: Responding to and Reporting
Hate-Motivated Incidents and Crimes

NUMBER: BUL-2047.0

ISSUER: Kevin S. Reed, General Counsel
Office of the General Counsel

DATE: October 10, 2005

ROUTING
All Schools and
Locations
All Employees

POLICY: The Los Angeles Unified 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.

MAJOR CHANGES: This bulletin replaces Bulletin No. BP-5 “Procedures for Reporting Hate-Motivated Incidents or Hate Crimes,” which is dated November 17, 2000, issued by the Office of Intergroup Relations. It updates District policy and procedures for the documentation and reporting of hate-motivated incidents/crimes.

GUIDELINES: I. Definitions

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.

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



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.

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 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**

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) 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 School Police, 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.
- Certify on the "Administrator Certification Form" that the school/work location has complied with the mandates of this policy bulletin.
- 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.

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 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 School Police 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 Local District Operations Administrator.



- For incidents involving employees as the suspected or alleged perpetrator of a hate-motivated incident/crime, consult with your supervisor and your Staff Relations Coordinator.

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 Local District Operations Administrator. 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.
- 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 or administrator-designated Complaint Manager.
- They are never to engage in retaliatory behavior or ask of, encourage, or consent to anyone's taking retaliatory actions on their behalf

VI. **Local District Responsibilities**

The Operations Administrator 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:
 - School Services Director
 - Educational Equity Compliance Office, if student sexual harassment and/or any unlawful discrimination is suspected
- On a quarterly basis, provide a summary of the incident reports to the Office of the Chief Operating Officer

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: Board Resolution, “To Enforce the Respectful Treatment of All Persons,” passed October 10, 1988

Board Resolution, “Data Collection of Hate Crimes and Intergroup Conflicts,” passed August 15, 1994

Board Resolution, “Development of Bullying Policy,” passed November 27, 2001

Policy Bulletin No. BUL-1038.1, “Antibullying Policy (In Schools, at School-Related Events, and Traveling to and from School), issued August 16, 2004, by the Office of the Chief Operating Officer

Policy Bulletin No. BUL-1041, “Sexual Harassment Policy (Student-to Student, Adult-to-Student, and Student-to-Adult),” issued June 10, 2004, by the Office of the General Counsel

Policy Bulletin No. S-26, “Sexual Harassment Policy—Employees,” issued December 3, 2001, by Human Resources

Policy Bulletin No. BUL-1347, “Child Abuse and Neglect Reporting Requirements,” issued November 15, 2004, by the Office of the General Counsel

Policy Bulletin No. L-4, “Title IX Policy/Grievance Procedure,” issued



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

August 15, 2001, by the Office of the General Counsel

Policy Bulletin No. BUL-754, "Section 504 and Students with Disabilities," issued January 26, 2004, by the Office of the General Counsel

Policy Bulletin No. Z-14, "Guidelines for Student Suspension," issued March 15, 1999, by Student Health and Human Services

Policy Bulletin No. Z-58, "Opportunity Transfers," issued April 30, 1999, by Student Health and Human Services

Policy Bulletin No. 61, "Guidelines for Student Expulsion," issued April 11, 1994, by Office of the Deputy Superintendent

Policy Bulletin No. S-11 (Rev.), "Act of Violence," issued September 8, 2005, by Risk Management and Insurance Services

Policy Bulletin No. N-10 (Rev.), "Student and Employee Security," issued September 7, 2001, by Educational Services

Policy Bulletin No. N-24, "Communication with other Schools, Offices, Districts Regarding Incidents of Violence, Emergencies, Etc.," issued June 29, 1998, by School Operations

Policy Bulletin No. BUL-1119, "Organizing for Assessing and Managing Threats," dated July 12, 2004

Reference Guide, REF-1242, "2004-2005 Update of Safe School Plans Volume 1 (Prevention Programs) and Volume 2 (Emergency Procedures). This most current reference guide replaces REF-729, "Safe School Plan, Volume 1 – Prevention Programs," dated December 22, 2003 and BUL-451 "Safe School Plan, Volume 2 – School Emergency Plans," dated August 21, 2003

"Required Nondiscrimination Notices," memorandum issued annually by the Office of the General Counsel

"Uniform Complaint Procedures," memorandum issued annually by the Specially Funded & Parent/Community Programs Division

"Parent-Student Handbook," issued annually by the Los Angeles Unified School District



Websites

Related information regarding nondiscrimination policies and procedures may be accessed through the following:

<http://www/lausd.k12.ca.us/lausd/office/eec> (available to the general public and District students/employees)

<http://notebook.lausd.net> (available to District employees)

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:

Local District School Operations Administrator
Educational Equity Compliance Office, at (213) 241-7682
Health Education Programs Office, at (213) 633-7810
School Police Department, at (213) 625-6631
Student Discipline Proceedings Unit, at (213) 763-7450
Suicide Prevention Unit, at (818) 705-7326
Youth Relations, at (213) 745-1990

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.

For legal questions, contact the Office of General Counsel, Field Services Team at (213) 241-7600.

LOS ANGELES UNIFIED SCHOOL DISTRICT
INCIDENT REPORT FORM – COMPLAINT/INVESTIGATION RECORD
Confidential--For School/District Recording Purposes Only
Fax or E-mail to Local District Operations Coordinator

		Date of Report	
School		Local District	
		School Phone#	
Name/Title of Reporting Party		Phone #	

BRIEF DESCRIPTION OF INCIDENT:

INCIDENT INFORMATION:

Date/Time		Place/Incident	
Names of Any Witnesses			

Name of person who is the target of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is the target of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is accused of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is accused of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

BRIEF DESCRIPTION OF SCHOOL ACTIONS TAKEN/ADMINISTRATIVE FOLLOW-UP:

		Date of Report	
School		Local District	

CATEGORY OF INCIDENT/COMPLAINT:

Discrimination/Harassment	<input type="checkbox"/> Yes <input type="checkbox"/> No	Hate-Motivated Incident/Crime	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes is indicated above, then the attached Complaint/Investigation Record <u>MUST</u> be used to document the actions taken to address the complaint and to monitor or assess the effectiveness of those actions.			

REPORTED TO/SPOKE TO (as applicable):

Office/Unit Contacted	Name of Contact/Person Taking Report		
Local District Operations			
School Police (213) 625-6631	Officer/Badge #		Police Report #
Local Police Agency	Agency/Office		Badge #
Office of General Counsel (213) 241-7600 Child Abuse or Field Service Attorney			
Educational Equity Compliance (213) 241-7682			
Environmental Health & Safety (213) 241-3199			
Food Services (213) 241-2985			
Maintenance & Operations			
Mental Health (Crisis Team)			
Neighboring Schools (if applicable)			
Nursing Services			
Staff Relations			
Transportation (323) 342-1460			
Youth Relations (213) 745-1990			

NOTE: FOR ALL INCIDENTS/ACCIDENTS INVOLVING AN INJURY TO STUDENTS, EMPLOYEES, OR VISITORS, A SEPARATE INJURY/ ACCIDENT INVESTIGATION REPORT MUST BE FILED WITH: THE OFFICE OF ENVIRONMENTAL HEALTH & SAFETY – BEAUDRY, 20TH FLOOR [213-241-3196], AND THE OFFICE OF RISK MANAGEMENT & INSURANCE – BEAUDRY, 28TH FLOOR [213-241-3139].

School		Date of Report	
		Local District	

**COMPLAINT/INVESTIGATION RECORD
DISCRIMINATION/HARASSMENT AND/OR HATE-MOTIVATED INCIDENT/CRIME**

I. RECORD OF INVESTIGATION:

Interview alleged target of incident/crime	Date	Interview accused person	Date
Interview witnesses (if any)	Date		
Seek assistance from supervisor, other District offices, or other sources, as needed:			
Person/Office			Date
Person/Office			Date
Person/Office			Date
Person/Office			Date

II. FINDINGS/DETERMINATION:

<input type="checkbox"/>	Findings indicate that discrimination/harassment occurred.
<input type="checkbox"/>	Findings indicate that act of hate-motivated incident/crime occurred.
<input type="checkbox"/>	Findings indicate that inappropriate behavior occurred.
<input type="checkbox"/>	Nature of incident/complaint (check all that apply): <input type="checkbox"/> race <input type="checkbox"/> color <input type="checkbox"/> national origin <input type="checkbox"/> Other: <input type="checkbox"/> religion <input type="checkbox"/> disability <input type="checkbox"/> sex <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender identity
<input type="checkbox"/>	There are no findings of hate motivated incidents/crimes, discrimination/harassment, or inappropriate behavior

III. ACTIONS TAKEN:

Involving Accused Person(s)	Date		Involving Alleged Target(s)	Date
<input type="checkbox"/> Provide Copy/Explain District Nondiscrimination Policy/Procedures		<input type="checkbox"/>	Provide Copy/Explain District Nondiscrimination Policy/Procedures	
<input type="checkbox"/> Provide Copy/Explain District Policy "Hate-Motivated Incidents and Crimes"		<input type="checkbox"/>	Provide Copy/Explain District Policy "Hate-Motivated Incidents and Crimes"	
<input type="checkbox"/> Disciplinary Conference		<input type="checkbox"/>	Administrative Conference	
<input type="checkbox"/> Referral for School Counseling		<input type="checkbox"/>	Referral for School Counseling	
<input type="checkbox"/> Education/Behavior Contract		<input type="checkbox"/>	Referral for Outside Counseling	
<input type="checkbox"/> Class Schedule Change		<input type="checkbox"/>	Parent Informed of Incident <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone ** <u>Caution:</u> In incidents involving sexual orientation or gender identity, consult with the student as to a safe way to inform parent/guardian of the incident. Student sexual orientation and/or gender identity cannot be divulged without permission of the student.	
<input type="checkbox"/> Detention Assigned		<input type="checkbox"/>		
<input type="checkbox"/> Parent Informed of Incident <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone		<input type="checkbox"/>		
<input type="checkbox"/> Suspension		<input type="checkbox"/>		
<input type="checkbox"/> Opportunity Transfer		<input type="checkbox"/>		
<input type="checkbox"/> Expulsion		<input type="checkbox"/>	Monitor to Check that Unwanted Behavior Has Stopped	
<input type="checkbox"/> Accused Person's Parents Notified of Resolution of Incident		<input type="checkbox"/>	<input type="checkbox"/> After One Week <input type="checkbox"/> After Two Weeks	

IV. DESCRIBE ANY OTHER ACTIONS TAKEN OR FURTHER REMEDIAL ACTION TO BE UNDERTAKEN TO PREVENT RECURRENCE OF THE INCIDENT/BEHAVIOR:

V. NOTIFICATION OF FINDINGS AND ACTIONS TAKEN:

<input type="checkbox"/>	Targeted Person	Date		<input type="checkbox"/>	Parents	Date	
<input type="checkbox"/>	Accused Person	Date		<input type="checkbox"/>	Parents	Date	

RETAIN THIS RECORD. SEND A COPY OF THE COMPLETED INCIDENT REPORT AND COMPLAINT/INVESTIGATION RECORD (BOTH SIDES) TO YOUR LOCAL DISTRICT OPERATIONS COORDINATOR. For additional assistance, call Educational Equity Compliance Office at (213) 241-7682.