

EVERY STUDENT BELONGS BIAS INCIDENT RESPONSE PROCEDURES

BSD is committed to providing a safe, respectful, and supportive learning environment for all students. The following definitions and procedures shall be used for reporting, investigating and responding to reports of bias incidents. :

Definitions

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other individual’s actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, age, mental or physical disability, pregnancy, familial status, economic status, or because of a perceived or actual association with any other persons within these protected classes, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups. This applies to both in-person, hybrid, or distance learning environments.

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, mental or physical disability, pregnancy, familial status, or economic status including but, not limited to, the noose, swastika, or confederate flag[™], and whose display:

1. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school.

Incident Reporting

Notify on the day of the incident or report, the parent/guardian of the student(s) directly or indirectly affected.

1. Bias incident that targets a individual or individuals
 - a. Acknowledge within 24 hours of the incident or receipt of the incident report that an investigation has been initiated, the actions taken to prevent recurrence of the incident, and the timeline for the investigation.
 - b. Staff members who have a trusting relationship with the individual who was harmed should focus on supporting this individual.
 - c. Staff members who have a trusting relationship with the individual under investigation should not be part of the investigating team.
 - d. If the incident involves students, plan the parent notification process in consultation with the student, guidance staff, and trained personnel. The plan for notifying parents should be informed by an assessment of the student’s safety and resources that may be offered to support the student and their family. Notify the parents and/or legal guardians of the incident, actions taken, and the timeline for the investigation within **24 hours of the incident or receipt of the incident report.**

- e. If the bias incident involves student(s) who identify as LGBTQ+, find out if the parents of individuals involved know of the LGBTQ+ status. If not, ensure student(s) LGBTQ+ status is not disclosed by the investigation if that is the student's choice.
 - f. Communicate the final determination of the investigation and to the extent allowed under state and federal law, the actions taken to remedy the situation and, when applicable, a citation of the law prohibiting release of information and an explanation of how that law applies to the current situation.
 - g. Provide translation of verbal and written communication to non-English speaking students and families.
2. Bias incident that involves acts of vandalism, graffiti, or other acts that will likely impact students and adults in the school community
 - a. Acknowledge and communicate to the school community that an investigation has been initiated, the actions taken to prevent recurrences of the incident, and the timeline for the investigation process within **24 hours** of the incident or receipt of the incident report.
 - b. Provide translation of verbal and written communication to non-English speaking students and families.
 3. For all bias incidents, investigate the incident and make sure that due process rights are upheld. Consider whether the bias incident involves other civil rights laws and, if so, respond accordingly. If the incident involves an employee, the Human Resources Department will investigate the incident and address the reported issue in accordance with (policy).

Ensure a record of the investigation includes the following information:

1. Record who reported the incident (e.g., student; staff; school counselor; school psychologist; school social worker; other mental health provider; school administrator; parent; school community member; SafeOregon Tip Line; or anonymous).
2. A summary of the incident that includes:
 - a. Date, time, and location where it occurred. Note that bias incidents may occur while on school grounds, traveling to and from school, at the bus stop, at school-sponsored events, while at other schools in the district, while off campus, and in distance learning environments whenever such conduct causes a substantial and material disruption of the educational environment or the invasion of rights of others.
 - b. List names of the individual or individuals impacted, including witnesses and others in the broader community, and their role in the incident.
 - c. If available, list race(s)/culture(s), primary spoken language if other than English, disability status of individuals involved. If the individual agrees, note if one or more individuals identify as LGBTQ2SIA+ status. Consider intersectionality in planning your approach and immediate actions steps, if applicable.
 - d. Summary of the investigation findings and responses or support plans for the
 - i. Individual or individuals who **were** harmed
 - ii. Individual or individuals who **caused** harm

Immediate Crisis Support to Individuals Impacted by the Bias Incident

1. Individuals who **were** harmed. Implement immediate actions to ensure the safety of the individual or individuals affected which could include moving to a safe room, counseling, and/or removal of the individual who **caused** harm from the environment.
 - a. Staff members who have a trusting relationship with the individual who was harmed should focus on supporting this individual.
 - b. Plan immediate crisis support for staff, witnesses to the event and/or members of the broader school community as needed.
 - c. Determine if the FLIGHT team should provide support to the individual or individuals were harmed.
2. Individuals **under investigation** for causing the harm. Plan immediate crisis supervision and support for the individual or individuals who **caused** the harm as needed.
 - a. Staff members who have a trusting relationship with the individual under investigation should not be part of the investigating team.
 - b. Determine if STAT procedures should be instituted to address the incident.

Short-term/Immediate Administrative Action

1. For the individual or individuals who **were** harmed, plan immediate actions to protect their physical and psychological safety as needed. This may include the individual or individuals directly impacted, staff, witnesses to the event and/or members of the broader school community. If needed, request FLIGHT team assistance to support the individual or individuals.
2. For the individual or individuals who are under investigation for **causing** the harm, plan immediate action steps to prevent recurrences of the bias incident. If there is a safety threat then STAT should be instituted.
3. Provide verbal notice to all individuals, including parents, that an investigation of the incident has started and, if needed, immediate steps taken to protect the safety of the individual(s) harmed within **24 hours** of the incident or receipt of the incident report.
 - a. For student(s) who **were** harmed, plan the student(s)' parent notification process in consultation with the student, guidance staff, and trained personnel. The plan for notifying parents should be informed by an assessment of the student's safety and resources that may be offered to support the student(s) and their family.
 - b. Provide translation of verbal and written communication to non-English speaking students and families

Student/Staff Engagement in the Investigation

1. Implement action steps to protect the physical and psychological safety of the individual(s) impacted by the bias incident during the investigation process.
 - a. Develop a comprehensive plan for a healing-centered, trauma-informed, strengths-based, racial-equity information gathering process.
 - b. Identify a staff member who has a positive relationship with the individual(s) impacted and engage their support during the investigation process if the student agrees to their involvement.
 - c. Protect the privacy of all individuals throughout the investigation process.

- d. If the bias incident involves student(s) who identify as LGBTQ+, find out if the parents of individuals involved know of the LGBTQ+ status. If not, ensure student(s) LGBTQ+ status is not disclosed by the investigation if that is the student's choice.
2. Designate a trained staff member to lead the investigation. Convene a multidisciplinary team to gather information.
 - a. Consider actual or perceived race, color, culture, language, sex, sexual orientation, gender identity, gender expression, religion, national or ethnic origin, age, mental or physical disability, pregnancy, familial status, economic status, intersectionality, or because of a perceived or actual association with any other individuals within these protected classes to determine how the investigation is conducted.
 - b. Preserve evidence by taking photos of the hate symbols and saving texts, images, or other evidence. If law enforcement is called, do not disturb the scene.
 - c. Interview individuals directly involved in the bias incident and all witnesses separately. Collect written accounts of the bias incident.
 - d. Be objective during the investigation.
 - When talking to the individual under investigation, focus on learning their perspective, ways to restore relationships, and not blame.
 - When talking to the individual who was harmed, focus on learning the impact of the incident first and ensure the individual feels safe before asking questions about contributing factors. Do not ask questions that suggest they are to blame for the incident. Make sure that you provide the individual or individuals time, space, and support as needed.
 - Seek information on the incident from multiple sources to reduce the burden of the entire investigation on the individual or individuals targeted during the bias incident.
3. Publicly denounce bias/hate incidents and firmly support the individual or individuals impacted, the targeted student population, and the larger community represented by the individuals targeted by the incident.

Investigation Findings & Communication

1. Summarize the investigation findings. Determine if the claim against the individual under investigation is founded, unfounded, or if there is not enough evidence to make such a determination.
2. Provide written communication of the date that the investigation was completed and the findings of the investigation to all parties in accordance with district policies and procedures. If any of this information cannot be shared, provide a citation of the law prohibiting release of information and an explanation of how that law applies to the current situation.
3. Continue to validate the individual who reported the bias incident.

Safety/Support Planning

1. For the student or students who **were** harmed, implement action steps to ensure their safety and the safety of students. Consider using a Restorative Conference as an opportunity for the individual to be heard, seek accountability, and move forward.

2. For the student or students who **caused** the harm, implement actions steps that include an educational component that teaches the history and impact of the bias incident on others. Consider using a Restorative Conference to identify ways the student can remedy the situation and restore relationships. If a Restorative Conference is not possible, consider alternatives that include ; how the student will help remedy the situation; and strategies to prevent reoccurrence of the bias behavior.
3. For students who commit repeated bias incidents, prioritize the safety and well-being of the individual or individuals impacted by the bias incident when determining actions steps. Consider the student's age, developmental level, circumstances of the incident, and past pattern of behavior when determining if the student should be
 - Subject to disciplinary consequences in accordance with the code of conduct
 - Placed on a safety plan to prevent future occurrences of the bias behavior
4. Consider whether STAT procedures or the FLIGHT should be initiated to address the safety and support needs of students and/or adults.

Additional Suggestions and Guidance

Work Group 3 and 4 suggested including these questions in the investigation (Michigan)

1. Was the individual who was harmed called any names? What were they?
2. Were there any pictures or symbols involved in the incident drawn, left around, talked about that could be considered hateful or intimidating?
3. Did the individual who caused harm admit their conduct was motivated by prejudice or that they selected the individuals who were harmed based on their race, ethnicity, religion, disability, gender, sex, sexual orientation or other identity factors?
4. What does the individual who was harmed believe the incident was motivated by?
5. Did the individual(s) who were harmed openly engage in activities related to their race, ethnicity or other identity characteristics e.g., a peaceful protest, participation with a student identity affinity group, or membership in a gay-straight alliance?
6. Is the individual who was harmed part of any group of students that is considered less welcome in the school? What makes the group different? Why are they considered less welcome?
7. Is the student who made the threat/caused the incident part of a group that feels the same way about any student who shares an identity with the individual who was harmed?
8. Was this incident unusual or have students who share the targeted identity characteristics of the individual who was harmed been having similar experiences over time? For how long?

Work Group 4 suggested including guidance on conducting Restorative Conferences

- Determine who will be doing Conference pre-work (calls and meetings with all parties involved, reviewing questions that will be asked, structure of the conference, determining who their support person will be (for both parties,)) Prep work should include talking to family members and any community members involved.
- Determine who will facilitate (should be neutral party trained in Restorative Conferencing) the Conference and use Conference Pre-Work to prep and schedule. Conduct Restorative Conference This could be a team approach, and all people planning the conference should have participated in Restorative Practices Training and have the resources (planning docs, scripts, etc)
- Each person involved needs to be called or met with to go over the Conference process, questions, who will be involved, the time it will take, who will facilitate (considerations of the facilitator: is there a need for a culturally specific process and culturally specific facilitator themselves). Planning for languages spoken should also be included.
- If there are parties who are not ready or who do not want to engage in a Restorative Conference plans need to be made for an alternative (alternative could include letter writing, education for person who caused the harm--based on what accountability steps are desired by the person harmed and/or community members involved, conference for person harmed with only their support system in attendance where they can fully share the impact of the incident and what needs to happen to make things right.
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