

Bias Incident Response Best Practices

Recommendations for Michigan Schools

A product of the **Michigan
Organization on Adolescent
Sexual Health's Michigan
Communities Against Hate** project.

Thanks to generous
funding from our friends at
Open Society Foundations.



michigan organization on
adolescent sexual health



VILLAGE STRATEGIES LLC

Acknowledgments

*The creation of this resource was
made possible by the generous support
of the Open Society Foundations.*

AUTHORS:

Emily E. Dievendorf, President
Village Strategies LLC
Lansing, MI

Olivia Brenner
Lansing, MI

Michigan Organization on Adolescent Sexual Health (MOASH)

THANK YOU TO THE FOLLOWING FOR THEIR VALUABLE ASSISTANCE IN REVIEWING THIS DOCUMENT BEFORE PUBLICATION:

Michigan Communities Against Hate (MiCAH) Coalition
Michigan Youth Voice Advisory Council
Population Research Center and the Department of Human Development
and Family Sciences at the University of Texas at Austin
Michigan Department of Civil Rights
Lansing Association for Human Rights
GLSEN
PFLAG SE Michigan
ACLU of Michigan
Kim Mull, Purple Door Design
Jen Anderson, Clearing Blocks Editing Services

Published January 9, 2018.

CONTENTS

Purpose.	4	The reporting/notification process should include:	11
Mission	4	Reporting	12
Why this? Why now?	4	Working with the School and Community	12
What is a bias incident?	4	Working with the media.	13
How is a bias incident unique?	6	After: healing bias at school	14
How does hate send a message?	6	Advocacy and reporting resources.	15
Hate speech v. free speech?	8	Appendix	16
Before: building a bias resistant school	8	A. Welcoming Michigan: Resources for Educators (Bias-Related)	16
Set Clear Expectations for the Learning Environment.	8	B. State of Michigan Board of Education Model Anti-Bullying Policy	17
Prepare and Strengthen the Community	10	C. Michigan Alliance Against Hate Crimes Hate Crime Response Flier	24
During: responding to bias	10	D. Sources	25
Investigation	10		

Purpose

The purpose of this document is to provide guidance for schools as they work to maintain a safe, inclusive and affirming learning environment by highlighting mechanisms by which they can recognize, report and respond to bias incidents.

Mission

This guide can help educators, school administrators, and volunteers understand what makes a bias incident unique and be able to recognize one if it occurs; become more familiar with some best practices for responding to bias incidents in schools; intervene as appropriate; identify or begin to create proper channels for reporting; and collect (disaggregated) data on bias incidents.

Why this? Why now?

In December 2016, the Michigan Civil Rights Commission (Wariku) said in its monthly meeting that there were 65 hate incidents reported in just the month prior to their convening compared to the 5 to 10 reports received on average by the Michigan Department of Civil Rights yearly. Of those 65 hate incidents, 36 of them were at K-12 schools or universities and colleges. This increase in incidents of bias-motivated bullying and attacks reflect national trends recorded by the Southern Poverty Law Center noting that the majority of incidents across the country have occurred at K-12 schools and against students from already marginalized communities and/or identities.

Our schools are doing their best to respond to these disturbing incidents and are working to support our students targeted for bullying, discrimination, and

harassment, but the majority of schools don't know how bias incidents are recognized, how educators and administrators can intervene, or how incidents must be recorded—or that they require a unique response in order for communities to begin healing.

With this collection of best practices, we hope to help schools prevent bias-based incidents and to facilitate the healing from incidents of bias that may occur.

What is a bias incident?

“A bias incident is conduct, speech or expression motivated, in whole or in part, by bias or prejudice.”

—Teaching Tolerance, a project of the Southern Poverty Law Center (tolerance.org)

Providence College uses a definition of “bias incident” in its bias response protocol that echoes definitions being used by educational institutions across the nation. For this document, several identifying characteristics have been added to the Providence College definition to create a more comprehensive definition to help us recognize bias:

A bias incident is an act directed against a person, group, or property, expressing hostility or bias based on perceived or actual gender, race, color, national or ethnic origin, sex, sexual orientation, gender identity, gender expression, religion, disability, size or age. Bias incidents may consist of verbal, written, graphic, and/or physical conduct such as epithets, jokes, graffiti, negative stereotyping, and threatened or actual physical assault. A bias incident may rise to the level of a hate crime as defined by state and federal law. (“Key Definitions”)

What is a bias incident?

*"A bias incident is conduct, speech or expression motivated, in whole or in part, by bias or prejudice."**

—tolerance.org

*A bias incident is an act directed against a person, group, or property, expressing hostility or bias on the basis of perceived or actual gender, race, color, national or ethnic origin, sex, sexual orientation, gender identity, gender expression, religion, disability, size or age. Bias incidents may consist of verbal, written, graphic, and/or physical conduct such as epithets, jokes, graffiti, negative stereotyping, and threatened or actual physical assault.**

—Providence College

Identifying a Bias Incident: 8 Questions to Ask

NOTE: A bias incident may qualify as a hate crime under state and/or federal law. By definition, all hate crimes are bias incidents but not all bias incidents are hate crimes. If you think a bias incident that happened in your school may be a crime, you are advised to contact your local authorities for assistance.

1 Was the target 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?

4 What does the target believe the incident was motivated by?

5 Did the target(s) 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 target part of any group of kids 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 target?

3 Did the perpetrator admit their conduct was motivated by prejudice or that they selected the target(s) based on their race, ethnicity, religion, disability, gender, sex, sexual orientation or other identity factors?

8 Was this incident unusual or have students who share the targeted identity characteristic of the target been having similar experiences over time? For how long?

Revised 1-9-18

*Adapted from the tolerance.org Teaching Tolerance article titled "Identifying and Responding to Bias Incidents" (www.tolerance.org/professional-development/identifying-and-responding-to-bias-incidents) and from Providence College's bias response protocol (www.providence.edu/student-affairs/bias-response/Pages/key-definitions.aspx).



Michigan Organization on Adolescent Sexual Health

P.O. Box 1386 • East Lansing, MI 48826 • (517) 318-1414 • info@moash.org

By definition, all hate crimes are bias incidents but not all bias incidents are hate crimes. Teaching Tolerance notes that, “Bias incidents differ from hate crimes in that no criminal activity is involved. While hate crimes, if charged and prosecuted, will be dealt with in the court system, schools must handle bias incidents through grievance procedures and educational programs” (“Identifying and Responding to Bias”).

In Michigan, we have a “hate crimes law” called the Ethnic Intimidation Act (MCL 750.147b). Michigan’s law covers bias crimes motivated by the victim’s race, color, religion, gender, or national origin. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 (18 U.S.C. § 249) is a criminal law that allows the federal government to investigate and prosecute crimes that might have been motivated by the victim’s actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability. To qualify as a hate crime under federal statute, a bias incident must have occurred under a very strict and specific set of circumstances, and while few incidents meet this criteria, any potentially criminal incident involving bias should be referred to the United States Department of Justice for review. Reporting a bias incident to the Department of Justice ensures due diligence and fills current gaps left in Michigan law, as Michigan’s hate crime law does not yet cover all of the communities protected under federal law.

Both hate crimes and bias incidents require a unified and firm denouncement from school and community leaders.

While this document does suggest a logical order for recording data on bias incidents and steps for a reporting process, it does not offer suggestions for disciplinary action.

How is a bias incident unique?

Hate crimes and bias incidents are messages to a whole community, making bias-motivated events unique and complicated issues that require a unique response.

How does hate send a message?

Hostility targeted at a specific person due to an identifying characteristic is also directed, consciously or subconsciously, at the entire group of people who share that characteristic.

Example: *When a swastika is painted on the locker of a Jewish student by those who want the student to feel unwelcome or unsafe in the school because of the student’s Jewish identity, the underlying message is that NO Jewish student is welcome or safe at the school. The implied message is seen and felt as a threat beyond the individual student targeted—as is often the intention. The swastika is meant to have the lasting impact of keeping the school divided or of making Jewish students feel vulnerable. The swastika serves as a message to both warn and cause real harm to more than one person, illustrating the broad impact of bias incidents.*

While all acts of violence, harassment and intimidation by nature are harmful, bias incidents can be especially devastating to the target of the incident, a school and a community. Youth experiencing bias-based harassment are at an increased risk for compromised health compared to those experiencing non-bias-based harassment or no harassment at all (Russell, 2012).

When a student is targeted for bullying in any form and to any degree because of race, ethnicity, religion, gender, sexual orientation, disability, gender expression, or gender identity, the attack is not just upon the specific person but also upon everyone who belongs to or is perceived to belong to that demographic group. Bias incidents spread fear to all who recognize they could have been a target, can indicate the presence of community rifts, and can signal that a marginalized community is experiencing either a broader immediate lack of safety or an ongoing pattern of discrimination.

Recognizing bias also gives schools the opportunity to create positive change for their most vulnerable students. Bias signals voids in understanding that highlight opportunities for empathy building, education and cultural competence on campus that will ensure a better learning environment for all students. Showing intentionality and a commitment to responding to bias builds trust between students and members of a community, ultimately making everybody safer as active steps toward reducing bias bullying improves well-being for all youth (Russell, 2016).

Recognizing Bias

10 Tips for Identifying Bias Incidents (tolerance.org)

You may have a bias incident on your hands if:

1. Slurs and epithets are used—e.g., “nigger,” “beaner” or “faggot.”
2. Hate symbols—or inflammatory symbols like nooses—are used.
3. The perpetrator(s) admit their conduct was motivated by prejudice or that they selected the target(s) based on their race, ethnicity, religion, disability, sex, sexual orientation or other identity factors.
4. The target(s) believe the incident was motivated by bias.
5. The target(s) openly engage in activities related to their race, ethnicity or other identifying characteristics—e.g., black students purposefully gathering under the “White Tree” in Jena or LGBTQ students trying to start a gay-straight alliance at school.
6. There’s been prior news coverage of similar bias incidents—i.e., a 16 year old living 40 miles outside of Jena was questioned by police last week after they spotted him in a truck with a noose hanging out of the back (the adult driver was charged with DUI).
7. The acts are directed against members of groups whose presence in the community or school is opposed—e.g., Mexican immigrant students in a community where nativist groups are active.
8. Ongoing school or community conflicts may have initiated or contributed to the act—e.g., in Jena, a bias incident involving nooses ultimately gave rise to off-campus conflicts and violence.
9. Possible involvement by an organized hate group or its members—e.g., students who are skinheads taunt Jewish peers.
10. A pattern of incidents in which the targets and perpetrators are of a different race, religion, national origin, gender or sexual orientation—e.g. over a period of weeks, school records show a growing number of incidents involving conflicts between Latino and Black students.

—Reprinted from “Identifying and Responding to Bias Incidents,” *tolerance.org* (<https://www.tolerance.org/professional-development/identifying-and-responding-to-bias-incidents>)

Hate speech v free speech?

While some debate exists around whether the simple expression of “hateful” beliefs and ideas are protected under the First Amendment of the Constitution, **it remains settled that when beliefs and ideas that are rooted in bias are motives for threats against or for the harassment of an individual or group, the threats and harassment are not protected by the First Amendment.** The ACLU clarifies that “merely offensive or bigoted speech does not rise to that level, and determining when conduct crosses that line is a legal question that requires examination on a case-by-case basis” (Speech on Campus). If there is any question as to whether bias-motivated speech or actions were targeting individuals or groups the issue should be reported for investigation.

Before: building a bias resistant school

Prior to the occurrence of any bias incident, your school can take proactive steps toward preventing bias and cultivating a learning environment that is safe, inclusive and affirming for all students. Consider taking the following actions:

SET CLEAR EXPECTATIONS FOR THE LEARNING ENVIRONMENT

- Ensure that your school’s anti-bullying policy is enumerated to include a list of all marginalized classes included in Michigan’s model anti-bullying policy: race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression. (See Appendix B.) Consider adopting the model policy in entirety.
- Develop a policy stating that hate will not be tolerated on campus (O’Shaughnessy, 2004).
- Make the most of teachable moments. When incidents happen elsewhere, discuss with students why and how bias contributed to harm.
- Encourage students to speak up when hate speech or harassment based on bias happens at school. When a victim is defended and supported by even one peer, it leads to better adjustment for the victim overall (Sainio, 2011).
- Implement curricula supportive of groups typically targeted by bias bullying. LGBTQ-inclusive (lesbian, gay, bisexual, transgender, and queer) curricula is associated with increased feelings of safety and lower levels of bullying (Snapp, 2015).
- Establish systems of support for marginalized students, such as a Gay-Straight Alliance for LGBTQ youth. The presence of a GSA is significantly associated with decreased school-based homophobic victimization (Marx, 2016).
- Require training for school staff, students, and community members on preventing hate conflict through understanding, sensitivity, mediation and conflict resolution skills. (See “A Guide for Administrators, Counselors and Teachers: Responding to Hate and Bias at School” on tolerance.org.)
- Include in trainings a section on how educators, students and community members can recognize their own implicit biases.
- Elect and train a school administrator to serve as the bias incident reporting intake staff and ensure students are aware of this appointment and are comfortable with the choice.
- Establish a reporting protocol for students to **anonymously** disclose incidents and ensure this can be done easily, safely and privately. Offer in-school

Bias Incident

If it happens at your school...

An act directed against a person, group, or property, expressing hostility or bias on the basis of perceived or actual gender, race, color, national or ethnic origin, sex, sexual orientation, gender identity, gender expression, religion, disability, size or age.*
—Providence College

1 SECURE

Ensure the safety of the victim and the community of students the bias was directed against.

2 INVESTIGATE

Swiftly and seriously respond to all bias complaints/tips. Get all the facts early to determine a school-wide or community-wide response.

3 PRESERVE EVIDENCE

Take photos; do not delete or discard anything. If it may be a crime, do not disturb the scene. You are not the police.

NOTE: A bias incident may qualify as a hate crime under state and/or federal law. By definition, all hate crimes are bias incidents but not all bias incidents are hate crimes. If you think a bias incident that happened in your school may be a crime, you are advised to contact your local authorities for assistance.

Contact

4 YOUR COMMUNITY

Upon the first suspicions of bias, contact your local and/or statewide advocacy organizations representing the targeted student population. The school should be guided by the affected community's firsthand knowledge of the bias; this will ensure that the school is supporting the targeted community effectively and that the school understands the best ways to assist.

For additional support, you can also contact:

1) Michigan Department of Civil Rights (MDCR) within 180 days to file a complaint, request assistance, report harassment or a hate crime. Call 1-800-482-3604 or visit www.michigan.gov/MDCR and click "How We Can Help."

2) Federal Bureau of Investigation (FBI) at 313-965-2323.

3) U.S. Department of Justice Civil Rights Unit at 313-226-9151.

4) Southern Poverty Law Center at <http://www.splcenter.org/repothate> to add to the national reports being tracked here.

5 DENOUNCE THE BIAS/HATE

Remain firmly in support of the victim, the targeted student population and the larger marginalized community represented by the students.

6 BE OBJECTIVE

When speaking about the offender, focus on justice, fairness and not blame.

7 **ADVOCATE**
Use the bias incident to encourage school and community learning, unity, and growth toward fighting bias.

*Adapted from the tolerance.org Teaching Tolerance article titled "Identifying and Responding to Bias Incidents" (www.tolerance.org/professional-development/identifying-and-responding-to-bias-incidents) and from Providence College's bias response protocol (www.providence.edu/student-affairs/bias-response/Pages/key-definitions.aspx).

Revised 1-9-18



Michigan Organization on Adolescent Sexual Health

P.O. Box 1386 • East Lansing, MI 48826 • (517) 318-1414 • info@moash.org

and online reporting mechanisms.

School administrators shall also use this procedure to investigate complaints of retaliation or threats of retaliation meant to intimidate the victim of bullying, harassment or cyber-bullying or toward those investigating incidents thereof.

- Develop a data collection protocol consistent with state standards so you can track the prevalence and types of incidents. (*Find form templates in the publication “A Guide for Administrators, Counselors and Teachers: Responding to Hate and Bias at School” at tolerance.org.*)
- Alert students to statewide confidential reporting and support options.

PREPARE AND STRENGTHEN THE COMMUNITY

- Bring community advocates representing marginalized communities, law enforcement, parents AND interested students together to form a **Community Response Network** that can serve as a coordinated effort in the event that a bias incident, or any community crisis, occurs.
- Host community events that establish a space for integration and cultural exchange, or provide space for community training and meetings hosted by other organizations or the network.
- Appoint a school representative to serve on the community’s response network and build relationships with other entities in the community that can support youth-focused anti-hate initiatives.
- Build relationships with community partners, law enforcement, media outlets and other local institutions. The relationships can enhance your ability to rapidly and comprehensively respond to an incident. This can be done through a Community Response Network or independently.

During: responding to bias

INVESTIGATION

- **DO ensure the safety of the victims/student(s), and, in the case of a potential bias incident, also ensure the safety of the marginalized community of students immediately.**
- Upon first hearing of a possible bias incident, contact your local and/or statewide advocacy organizations representing the targeted student population. Ensure that the school is using best practices in supporting the student and the affected community in every way throughout the bias reporting and response AND ensure the school is talking about the affected student population in the most respectful way at such a vulnerable time.
- Find methods to stay in contact with the target/target’s family that exist outside of school hours and focus on making communication easy and accessible for the target and their family, not for the school.
- Every report should be swiftly and seriously investigated and all data needs to be recorded. A prompt investigation reassures the victim(s) that you are taking the matter seriously and sends a message that the incident does not reflect the culture the school is trying to maintain. (*See “A Guide for Administrators, Counselors and Teachers: Responding to Hate and Bias at School” at tolerance.org for templates that can be used.*) Maintain such records regarding complaints along with any disciplinary action taken.
- Don’t place the burden of a thorough investigation on the target. Seek information on the incident through many channels and avoid placing pressure on the target to prove their own vulnerability.

The reporting/notification process should include:

1. *Development of a notification plan in consultation with the student, guidance staff and trained personnel.*
2. *Discussion of the content and process for notifying the student's parents, informed by an assessment of the student's safety, along with relevant research and resources that may be offered to support the student and his/her/their family.**

*As much as possible, if a parent is unaware of an LGBTQ student's sexual orientation or gender identity and/or expression, the student should be supported in their decision to disclose their sexual orientation or gender identity and/or expression to family members on their own terms.

School officials should remember that parents of LGBTQ students may not be aware of their child's sexual orientation or gender identity and/or expression. In such cases, students may have grave concerns about their parents' response to learning that they have been targets of bullying related to sexual orientation or gender identity and/or expression and feel that this information should not be shared with their parents. Among other things, this means that LGBTQ students who fear disclosure of their sexual orientation or gender identity and/or expression to their parents will be much less likely to report that they have been bullied or to willingly participate in bullying investigations reported by others about them.

Guidance on reporting to parents can be found at <http://www.doe.mass.edu/sfs/lgbtq/handouts/E-ParentalNotification.pdf>.

- Identify which individuals and entities are most appropriate to serve as investigator(s) of the incident on a case-by-case basis, recognizing that regardless of who/what is charged with investigating the incident for bias, the response protocol should be consistent and that many different parts of the community will be and should be called upon to provide support in different ways.
- In cases of potential criminal behavior, contact school resource officers or law enforcement who are informed on school policies and trained on how to address the needs of those impacted.
- Be sure to preserve evidence—take photos or screenshots before cleaning up or deleting anything.
- Interview all witnesses separately, and collect written accounts.
- Get all the facts before determining an appropriate school-wide or community-wide response.
- Continue to consider the safety of the targeted student population until the incident is fully resolved. In the case of a criminal incident, a resolution is defined by a case sentencing, acquittal or dismissal.



- After the investigation concludes, apply relevant policies in a consistent, fair and impartial manner. Involve social services as necessary.*

*Resources and guidance on Positive Behavioral Intervention and Supports (PBIS) can be found at https://www.glsen.org/sites/default/files/Educational%20Exclusion_Report_6-28-16_v4_WEB_READY_PDF.pdf.

REPORTING

Multiple places to report bias incidents are listed intentionally. This is because data must be tracked by a few entities that simultaneously work on different aspects of bias incident response and multiple experts need to be looped into the process in order to ensure that public education, safety, and community healing can all happen as quickly as possible.

It is important to reach out to the leaders of the affected communities, because our laws don't yet provide adequate protections for our most vulnerable and we need to rely on the communities of those impacted to tell us what they need in times of crisis.

- Reporting bias incidents: **With the victim's consent**, contact local law enforcement. Then you can also contact:
 - MDCR within 180 days to file a complaint, request assistance, report harassment or a hate crime. Call 1-800-482-3604 or visit www.michigan.gov/MDCR and click "How We Can Help," or share one of [these flyers](#) in English & Spanish.
 - The Federal Bureau of Investigation (FBI) at 313-965-2323 or the U.S. Department of Justice Civil Rights Unit at 313-226-9151.
- Add to the national reports being tracked here through the [Southern Poverty Law Center](https://www.splcenter.org/repoorthate) (<https://www.splcenter.org/repoorthate>).

- If the bias incident is directed toward lesbian, gay, bisexual, transgender or queer (LGBTQ) students, also contact Equality Michigan Victim Services at (866) 962-1147.

WORKING WITH THE SCHOOL AND COMMUNITY

- Immediately upon learning about an incident, it is appropriate to send separate messages **(the confidentiality of LGBTQ students must be considered)** tailored to students, staff, families and the wider community...
 1. Expressing your concerns about reported bias-motivated behavior.
 2. Stating that your administration will not tolerate hate.
 3. Announcing an immediate investigation of the matter.
 4. Sharing resources for students affected by the incident, including counseling and plans for an educational response.
- Keep all community stakeholders updated as to where you are in the investigation process, including what you are planning in the way of community response. Share what you need and ask for help.
- Follow up with the target and target's family (if the student has given consent and/or if it is required by a school policy to contact parents), informing them of the status/results of the investigation, including any sanctions and next steps. The targeted student(s) need to know what to expect from the school and community in the event of escalation or repeat offenses.
- Have the school's **appointed and trained bias response and reporting staffer** meet with parents through a small town hall or meeting during which you provide the assurance that you are doing your

- due diligence to ensure the safety of all students and the prevention of future bias incidences. Listen to fears and concerns.
- Respect the privacy of impacted students throughout the process and once the incident has long past if possible.
- Support ALL students! Remember that a bias incident impacts the stability of the entire student body.
- Support the perpetrator/offender by exploring restorative practices and solutions that might offer the opportunity to learn from the offense.
- Do NOT expect the targeted student(s) to participate in the creation or implementation of the restorative solution sought for the offender.
- In cases where the size of the targeted student population is small enough as to make the victim obvious, the school and local community advocates may decide it is wise to keep the specifics from the public and even from the entire student body. Instead, the school might opt to require that the cultural competency planned as part of a bias response among the student body is a generalized cultural competency that covers biases against many groups, bystander discussions and lessons on implicit bias.

Working with the media

Denounce the bias incident.

- Cooperate, stay on message, keep it brief.
- Support your targeted students but don't put them on the spot or announce them if they are not known to the public or don't want to be.
- When or if student(s) are identified as offenders, focus on justice and fairness.
- Provide only known and accurate information and use media time as an opportunity to dispel misinformation.
- If a bias incident is also suspected to be criminal, work with law enforcement to know which information if released might interfere with the investigation.
- Denounce any efforts to reinjure the target(s) of the bias incident.
- In situations concerning LGBTQ students, be aware of the potential for the "outing" of the victim and the potential for retargeting if this is done. Avoid it.
- Use the media exposure to encourage community learning, unity and growth and to announce proactive steps to work toward community-wide progress.

After:

healing bias at school

Healing from a bias incident cannot be done through a single day of programming.

- Debrief with the victim(s) of the bias incident, administrators and the student body about the reporting and response around the incident (separately).
- Make this a teachable moment. Discuss the bias incident openly in small groups with students. Prepare educators to talk to students about unrelated bias incidents that students may bring up in these conversations.
- Ensure there is a plan of action in place for educating the perpetrator regardless of whether more traditional disciplinary action had occurred.
- Sign educators up for trainings that empower the school to take proactive steps toward anti-bias learning environments.
- Provide professional development for the entire staff on bullying prevention, culturally responsive teaching, and how to support students of all backgrounds.
- Actively support the formation of positive peer relationships in school as companionship can serve as a protective factor for students victimized by their peers (Bukowski, 2009).
- Adopt a concrete protocol for reporting and responding to bias incidents.

Advocacy and reporting resources

**Dial 911 for emergency situations*

OK2SAY*

Online Tip Form: ok2say.state.mi.us

8-555-OK2SAY (855-565-2729)

Text: 652729 (OK2SAY)

Email: OK2SAY@mi.gov

**OK2SAY is not an emergency reporting system. Dial 911 for emergency situations.*

"Allows anyone to confidentially report tips on criminal activities or potential harm directed at Michigan students, school employees, or schools."

Equality Michigan*

**When sexual orientation, gender identity, or gender expression are the suspected motivating biases.*

"Reporting to Equality Michigan allows data to be collected to increase awareness about violence happening in our communities, influence public policy."

Online Report: equalitymi.org/report

313-537-7000 ext. 114

Email: report@equalitymi.org

MDCR Crisis Response Team

"Initiates proactive measures and acts as needed to diffuse situations of community tension and unrest, and to assure that all people enjoy equal rights under the law."

1-800-482-3604

Michigan Alliance Against Hate Crimes (MIAAHC) Incident Reporting

www.miaahc.com

Crime Victim Services Commission

www.michigan.gov/crimevictims

Toll Free Victim Line: (877) 251-7373

SAFE Response : (517) 334-SAFE (7233)

Federal Bureau of Investigation (FBI)

Detroit: 313-965-2323

Grand Rapids: 616-456-5489

National Crime Victims Helpline

1-800-211-7996

Victim Notification Networks

Michigan: www.vinelink.com

National/Federal Crimes: www.vns.usdoj.gov/index.jsp

National Center for Victims of Crime Get Help Series

www.ncvc.org

U.S. Department of Education, Office of Civil Rights

Online Form: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html> (Read the instructions and click

"Continue to Complaint Form" at the bottom of the page. **You must complete the entire form in order for the report to be counted. Incomplete information will result in a dismissal of your complaint.**)

Email: ocr@ed.gov

U.S. Department of Justice, Civil Rights Unit

Toll Free: (877) 292-3804

Email: education@usdoj.gov

(There is no complaint form but please provide as much information as possible. Additional information on how to file a complaint can be found at <http://www.justice.gov/crt/complaint/#three>.)

Office for Victims of Crime

www.ovc.gov

Southern Poverty Law Center—Hate Incident Reporting Page

"Submitting the incident to the Southern Poverty Law Center will aid their work monitoring incidents around the country."

www.splcenter.org/reportheate

GLSEN Southeast Michigan

(248) 716-0106

Email: glsemsemi@gmail.com

P.O. Box 764

Royal Oak, MI 48068-0764

Appendix

A. Welcoming Michigan: Resources for Educators (Bias-Related)

Welcoming Michigan

Building Immigrant Friendly Communities



Resources for Educators: Bias & Intervention Strategies

Implicit Associations Test: <https://implicit.harvard.edu/implicit/takeatest.html>

What Is Implicit Bias, And How Might It Affect Teachers And Students? – Albert Shanker Institute

Part 1: <http://www.shankerinstitute.org/blog/what-implicit-bias-and-how-might-it-affect-teachers-and-students-part-i>

Part 2: <http://www.shankerinstitute.org/blog/what-implicit-bias-and-how-might-it-affect-teachers-and-students-part-ii-solutions>

Creating an Anti-Bias Learning Environment – Anti-Defamation League check-list, dos & don'ts
<http://www.adl.org/education-outreach/curriculum-resources/c/creating-an-anti-bias-learning-environment.html?referrer=https://www.google.com/#.Vez0-dLBzGc>

Addressing Implicit Bias, Racial Anxiety, and Stereotype Threat in Education and Health Care Perception Institute, Haas Institute, Center for Policing Equity. Topline findings on education:

- Studies show that, out of fear of appearing prejudiced, teachers may give students of color too little critical feedback. Teachers are in a bind: if they give only negative feedback, they could appear prejudiced; if they give only positive feedback, they could appear condescending. This report provides a way out: by making it explicit to students that teachers have high expectations and also believe the student is capable of meeting those expectations, students have been shown to be receptive to feedback and to view their teachers as unbiased.
- Higher rates of suspension amongst black and Latino youth cannot be explained by behavioral differences. Instead, black and Latino kids are more likely to be suspended for ambiguous reasons like “disrespect” or “loitering.” Clearer guidelines and standards help reduce opportunities for bias to affect us. Similarly many interventions, such as teachers imagining themselves to be part of a stereotyped group, have been shown to reduce bias.
- Stereotype threat contributes to underperformance of stereotyped groups by at least 62 points on the SAT.

<http://diversity.berkeley.edu/haas-institute-co-releases-science-inequality-report>

WelcomingMichigan.org
Tel: 734-845-8695

A program of the Michigan Immigrant Rights Center
Email: csauve@michiganimmigrant.org

B. State of Michigan Board of Education Model Anti-Bullying Policy

MICHIGAN STATE BOARD OF EDUCATION

Model Anti-Bullying Policy

The (fill in district name) board of education recognizes that a school that is physically and emotionally safe and secure for all students promotes good citizenship, increases student attendance and engagement, and supports academic achievement. To protect the rights of all students and groups for a safe and secure learning environment, the board of education prohibits acts of bullying, harassment, and other forms of aggression and violence. Bullying or harassment, like other forms of aggressive and violent behaviors, interferes with both a school's ability to educate its students and a student's ability to learn. All administrators, faculty, staff, parents, volunteers, and students are expected to refuse to tolerate bullying and harassment and to demonstrate behavior that is respectful and civil. It is especially important for adults to model these behaviors (even when disciplining) in order to provide positive examples for student behavior.

"Bullying" or "harassment" is any gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e., cyberbullying, through the use of internet, cell phone, personal digital assistant (pda), computer, or wireless handheld device, currently in use or later developed and used by students) that is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying and harassment also include forms of retaliation against individuals who report or cooperate in an investigation under this policy. Such behaviors are considered to be bullying or harassment whether they take place on or off school property, at any school-sponsored function, or in a school vehicle or at any time or place where a child's imminent safety or over-all well being may be at issue.

"Bullying" is conduct that meets all of the following criteria:

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more pupils;
- is conveyed through physical, verbal, technological or emotional means;

- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing emotional distress; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

"Harassment" is conduct that meets all of the following criteria:

- is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- is directed at one or more pupils;
- is conveyed through physical, verbal, technological or emotional means;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises. Bullying or harassment, including cyberbullying/harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one or more students and/or the orderly day-to-day operations of any school or school program.

The (fill in district name) board of education expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The (fill in district name) board of education believes that a comprehensive health education curriculum, within a coordinated school health framework, helps students attain knowledge and skills vital to school success, a productive workforce and good citizenship. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency.

The (fill in district name) board of education recognizes that in order to have the maximum impact, it is critical to provide a minimum of annual training for school employees and volunteers who have significant contact with pupils on school policies and procedures regarding bullying and harassment. Training will provide school employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them.

The (fill in district name) board of education believes that standards for student behavior must be set through interaction among the students, parents and guardians, staff, and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline and their ability to respect the rights of others. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff, parents, and community members.

The (fill in district name) board of education believes that the best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the aggressive behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future.

Since bystander support of bullying and harassment can encourage these behaviors, the district prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students not to be part of the problem; not to pass on the rumor or derogatory message; to walk away from these acts when they see them; to constructively attempt to stop them; to report them to the designated authority; and to reach out in friendship to the target. Periodic classroom meetings should be conducted to teach bystanders how and when to respond to bullying and harassment incidents. Informal classroom discussions and activities designed to provide awareness and increase student connectedness promote a positive shift in peer norms that will support empowered bystanders. When bystanders do report or cooperate in an investigation, they must be protected from retaliation with the same type of procedures used to respond to bullying and harassment.

The (fill in district name) board of education requires its school administrators to develop and implement procedures that ensure both the appropriate consequences and remedial responses to a student or staff member who commits one or more

acts of bullying and harassment. The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

Factors for Determining Consequences

- Age, development, and maturity levels of the parties involved
- Degree of harm (physical and/or emotional distress)
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

Note: In order to ensure students' perception of fair and impartial treatment, a student's academic or athletic status is not a legitimate factor for determining consequences. Consequences must be perceived as fair and impartial.

Factors for Determining Remedial Measures

Personal

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- Interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

Environmental

- School culture
- School climate and lack of connectedness
- Student-staff relationships and staff behavior toward the student
- Level of consistency in staff responses to bullying or harassing behaviors
- Level of consistency in application or severity of consequences given to students
- Staff-staff relationships witnessed by students
- General staff management of classrooms and other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

- Range and number of opportunities for student engagement, involvement, and recognition for achievement (beyond academics and athletics)

Consequences and appropriate remedial actions for a student or staff member who engages in one or more acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook. School employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment
- Participation in a guided reflection process designed to teach alternative behavior
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend, for students
- Out-of-school suspension
- Legal action
- Expulsion or termination

Examples of Remedial Measures

Strategies for Individual Behavioral Change:

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice practices
- Supervised peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.

- Behavioral assessment or evaluation, including, but not limited to, a referral to a Child Study Team, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

Strategies for Environmental Change (Classroom, School Building, or School District):

- Activities or strategies designed to help the student who engaged in bullying or harassment reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- Change process to improve school culture
- School climate improvement/improvement in conditions for learning and instructional pedagogy (incorporation of brain-compatible strategies)
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Increased supervision and targeted use of monitors (e.g., hallway, cafeteria, bus)
- General professional development programs for certificated and non-certificated staff
- Professional development plans for staff in key disciplinary roles
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to family counseling
- Increased involvement of parent-teacher organizations
- Increased involvement of community-based organizations
- Increased opportunities for parent input and engagement in school initiatives and activities
- Development of a general bullying/harassment response plan
- Peer support groups
- Increase communication with and involvement of law enforcement (e.g., school resource officer, juvenile officer)
- Engage in community awareness events and planning sessions

The (fill in district name) board of education requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The (fill in district name) board of education requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made. The parents of the students involved shall receive written notice from the school on the outcome of the investigation (in compliance with current privacy laws and regulations). All reports on instances of bullying and/or harassment must be recorded by the school for annual data review.


The (fill in district name) board of education prohibits reprisal or retaliation against any person who reports an act of bullying or harassment or cooperates in an investigation. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The (fill in district name) board of education prohibits any person from falsely accusing another as a means of bullying or harassment. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of bullying or harassment shall be in accordance with district policies, procedures, and agreements.

The (fill in district name) board of education requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The chief school administrator shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school district shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

C. Michigan Alliance Against Hate Crimes Hate Crime Response Flier



When a victim of hate turns to you, they need you to be strong, compassionate and able to provide meaningful assistance. Here are some things to keep in mind when responding to hate.

If the incident happened to YOU:

- Your safety is the first priority. If a crime is involved, call 9-1-1.
- Contact the MDCR Crisis Response Team (CRT). Be prepared to share background information on the incident. Report any media coverage.
- Submit a detailed report to MDCR online at www.michigan.gov/mdcr.

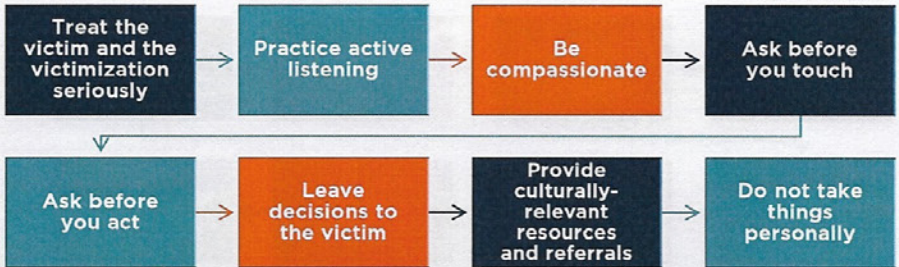
If you are helping someone else:

- Your first priority: Is the target or victim safe?
- Do not pretend to be a trained professional.
- If a crime is involved, ask the victim if you can call the police.
- Avoid asking too many questions. Take basic information on the victim, the person reporting the incident, and any witnesses. This will avoid creating an inconsistent statement of the events which may undermine a subsequent investigation.

- Maintain a neutral and impartial position – do not take sides or make promises.
- If the police are involved, note or copy the police report. The lack of a police report may mean:
 - ♦ the victim did not file a report or is not comfortable reporting the incident to the police,
 - ♦ the police could not take a report because the incident was not criminal or evidence was lacking, or
 - ♦ the police were perceived as disinterested in the situation.


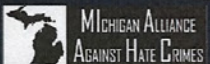
Do not remove physical evidence from a crime scene. Remember: you are not the police.

- Use a digital camera or cell phone with date-stamp to photograph the scene.
- Secure documents in a paper bag to preserve fingerprints – do not photocopy or use a plastic bag.
- Ensure all individuals involved – the victim and anyone supporting the victim – are safe. Discuss the incident with law enforcement to make sure a safety plan is in place.



```

graph LR
    A[Treat the victim and the victimization seriously] --> B[Practice active listening]
    B --> C[Be compassionate]
    C --> D[Ask before you touch]
    D --> E[Ask before you act]
    E --> F[Leave decisions to the victim]
    F --> G[Provide culturally-relevant resources and referrals]
    G --> H[Do not take things personally]
  
```

Contact the MDCR Crisis Response Team (CRT) at 1-800-482-3604.

D. Sources

This resource consolidated the best bias response recommendations from around the country and we echoed our favorite advice from these sources:

Bukowski, W. M., Motzoi, C., & Meyer, F. (2009). "Friendship as process, function, and outcome." In K. H. Rubin, W.M. Bukowski, & B. Laursen (Eds.), *Handbook of peer interactions, relationships, and groups* (pp. 217–228). New York: Guilford.

"Key Definitions," Bias Response Protocol. Providence College, January 2, 2018. <http://www.providence.edu/student-affairs/bias-response/Pages/key-definitions.aspx>

Fight Hate: A Rapid Response Strategy, National Fair Housing Alliance, 2001. <http://nationalfairhousing.org/wp-content/uploads/2017/04/fight-hate-a-rapid-response-strategy.pdf>

"Identifying and Responding to Bias," Teaching Tolerance. Southern Poverty Law Center, January 2, 2017. <https://www.tolerance.org/professional-development/identifying-and-responding-to-bias-incidents>

Marx R. A., Kettrey H. H. Gay-straight alliances are associated with lower levels of school-based victimization of LGBTQ+ youth: a systematic review and meta-analysis. *J Youth Adolesc* 2016; **45**: 1269–1282.

O'Shaughnessy, M., Russell, S. T., Heck, K., Calhoun, C., & Laub, C. (2004). *Safe place to learn: Consequences of harassment based on actual or perceived sexual orientation and gender non-conformity and steps for making schools safer*. San Francisco, CA: California Safe Schools Coalition.

Reported Bias Incident Protocol, www.oregonstate.edu. Oregon State University, 2016 https://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/OID/BRT/reported_bias_incident_response_protocol.pdf

Responding to Hate Incidents in Schools: Resources and Best Practices for School Administrators, 2016, Anti-Defamation League—Philadelphia Regional Office. <http://philadelphia.adl.org/files/2016/11/Best-Practices-in-Responding-to-Hate-Incidents-in-School.pdf>

Russell, S. T., & Fish, J. N. (2016). Mental Health in Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth. *Annual Review of Clinical Psychology*, 12, 465–487. <http://doi.org/10.1146/annurev-clinpsy-021815-093153>

Russell, S. T., Sinclair, K. O., Poteat, V. P., & Koenig, B. W. (2012). Adolescent Health and Harassment Based on Discriminatory Bias. *American Journal of Public Health*, 102(3), 493–495. <http://doi.org/10.2105/AJPH.2011.300430>

Sainio, M., Veenstra, R., Huising, G., & Salmivalli, C. (2011). Victims and their defenders: A dyadic approach. *International Journal of Behavioral Development*, 35, 144–151. doi: doi:10.1177/ 0165025410378068.

Smith, Taryn. *Rapid Response to Hate: A Brief Guide for Schools*, www.niot.org. Not in Our Town, March 30, 2017. www.niot.org/print/15028

Snapp, S., McGuire, J., Sinclair, K., Gabrion, K., & Russell, S. T. (2015). LGBTQ-inclusive curricula: Why supportive curricula matters. *Sex Education: Sexuality, Society, & Learning*, online, 1–17.

“Speech on Campus,” www.aclu.org. American Civil Liberties Union and the ACLU Foundation. January 2, 2018. www.aclu.org/other/speech-campus

Wariku, Niraj. *State Panel: Reported Incidents Soared In Michigan Post-election*, www.freep.com. Detroit Free Press. <http://www.freep.com/story/news/local/michigan/2016/12/05/state-commission-bias-incidents-soared-michigan-post-election/95013374/>

Willoughby, Brian. *A Guide for Administrators, Counselors, and Teachers: Responding to Hate and Bias at School*, Teaching Tolerance. http://www.tolerance.org/sites/default/files/general/Responding%20to%20Hate%20at%20School%20ONLINE_3.pdf



VILLAGE STRATEGIES LLC



michigan organization on
adolescent sexual health

P.O. Box 1386
East Lansing, MI 48826
(517) 318-1414
info@moash.org