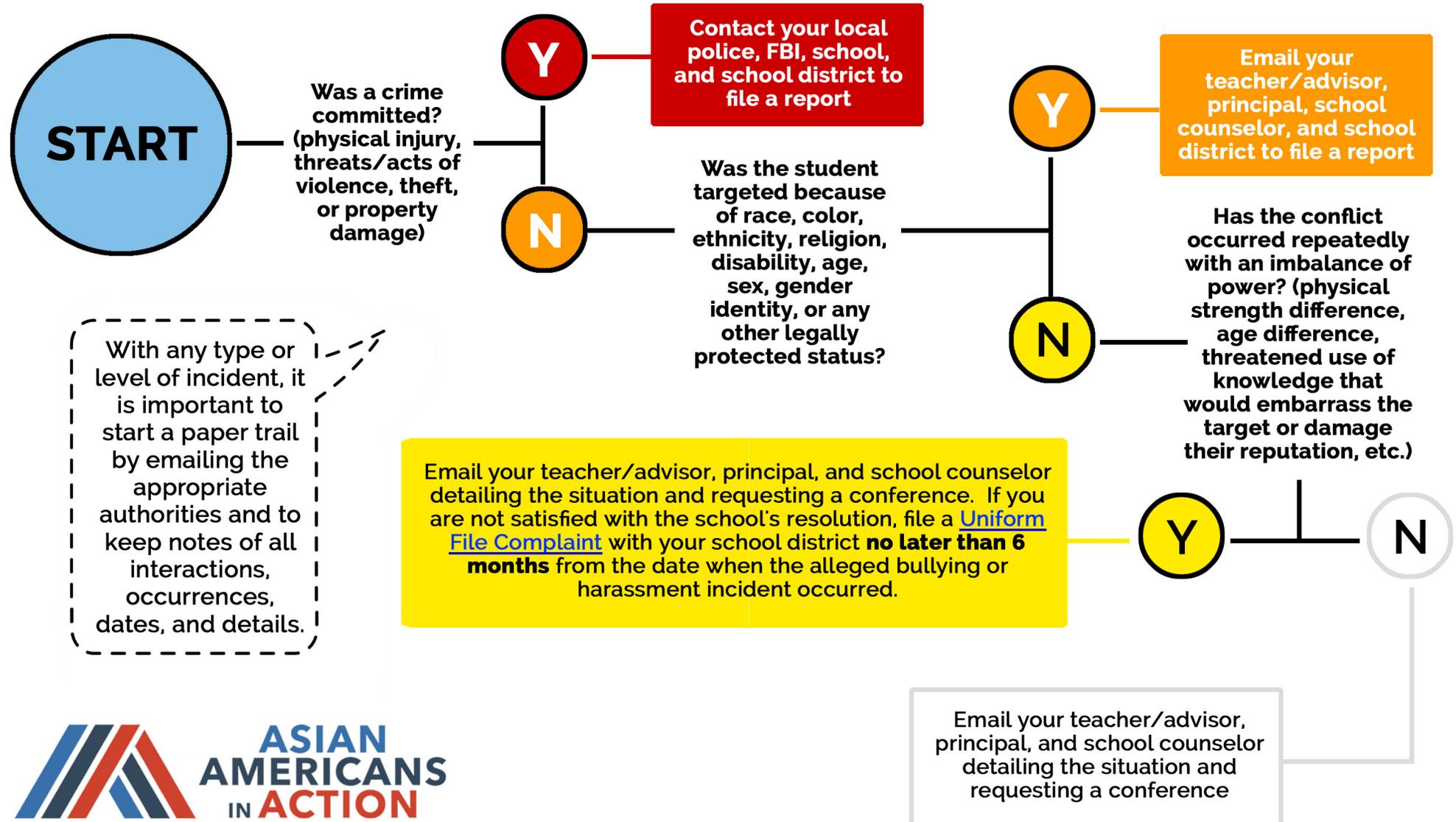


Is it a hate crime or a school incident?

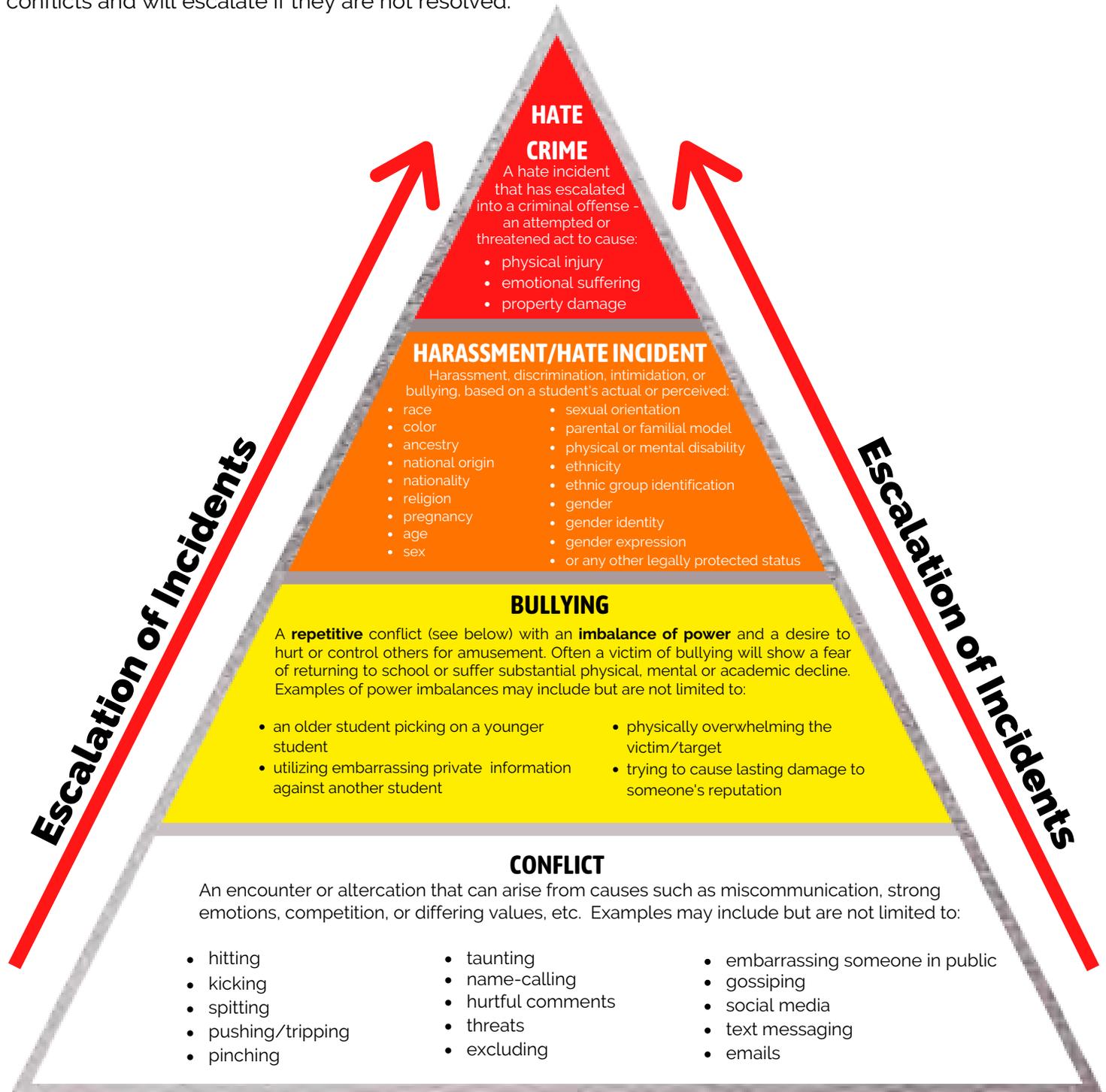


HOW TO REPORT A SCHOOL INCIDENT OR CRIME

In schools and classrooms across our country, students experience bullying and harassment often based on aspects of their identity. Regardless of whether they are targeted because of their race, ethnicity, religion, sex, gender identity, socioeconomic status, sexual orientation, or other factors, all children deserve a safe environment where they can thrive socially and academically without fear. When adults respond quickly to hurtful, damaging behavior it sends the message that this type of behavior is not acceptable. Do you know the steps to take in identifying, understanding and responding to these damaging behaviors? Together, let's build a safe, secure, and welcoming campus environment for ALL students.

STEP 1 : IDENTIFY THE TYPE OF INCIDENT

Although incidents may occur anywhere along the spectrum below, they often start with more minor conflicts and will escalate if they are not resolved.



STEP 2 : ONCE YOU'VE IDENTIFIED THE TYPE OF INCIDENTS, HERE ARE SOME ADDITIONAL STEPS TO TAKE.

Before taking additional steps, it is extremely important that families become familiar with SETH'S LAW (AB9), which is a "law that strengthens existing state anti-bullying laws to help protect all California public school students. Seth's Law requires public schools in California to update their anti-bullying policies and programs, and it focuses on protecting students who are bullied based on their actual or perceived sexual orientation and gender identity/gender expression, as well as race, ethnicity, nationality, gender, disability, and religion. Seth's Law went into effect on July 1, 2012." -[ACLU of Southern California](#). Upon identifying the type of incident your student has experienced, you may take the following steps:

CONFLICT

1. Send an email to your student's teacher, explaining the incident to them and requesting a conference to discuss next steps. You can copy (CC) your school's principal on the email. It is important to start the documentation process with something in writing, and email is the easiest format.
2. The teacher may meet with you and your student separately to try to get a clear picture of the incident. They may also meet with the other child(ren) who may have been involved. Due to student privacy laws, you will likely not be notified of what the other child(ren) stated in their interviews or any details if disciplinary action is taken. When meeting with the teacher and/or school administrator, ask them to document the incident in writing, ask them for the school's plan to address the incident and a timeline of next steps, and ask the school for its complaint policies and complaint process. Keep accurate records of incidents and meetings, and be specific about the child's experiences when discussing resolution.
3. Often, the teacher will have both students meet to discuss the incident face to face. Many times, conflicts arise from miscommunication or competition and this may resolve the issue.
4. If the behavior continues or you are not satisfied with the teacher's response, follow up with the teacher, Assistant Principal, school counselor, or Principal.

BULLYING

1. Since bullying behavior is often on-going and can have long-term effects on the target's self esteem and emotional/mental health, it is important to reiterate that the **victim is not at fault** and does not deserve this treatment. The targeted child is entitled to respect and should be counseled on effective ways to be assertive without retaliation. Often, bullies will be deterred from singling out a child if they present themselves as confident and assertive.
2. As in situations of conflict, all incidents should be documented in writing by email and sent to the teacher and/or principal explaining the incident(s) and requesting a conference with the teacher, principal, and school counselor to discuss steps for resolution. During the conference, request appropriate ways for the child to let an adult at school know if further incidents occur. Keep accurate records at home of any further incidents and the response from the school. Schools have a responsibility to provide adequate supervision of children under their care.
3. If the issue is not resolved, you should escalate the incident to the school district and file a [Uniform File Complaint](#) (UCP). Each school district will handle Uniform Complaints differently. Try to do a search on your local school district website for "Uniform File Complaint", "Uniform Complaint Policy", "Uniform Complaint Procedure", or "Complaint Information". A Uniform File Complaint must be filed **no later than 6 months** from the date when the alleged bullying or harassment incident occurred, or the date you first obtained knowledge that the incident occurred.
4. Following the investigation, the school district is required to send the complainant and all other involved parties the District's Decision within 60 calendar days of the receipt of the complaint.
5. Due to privacy laws, if an employee or student is disciplined as a result of the complaint, you will simply be notified that effective action was taken. The report will not include detailed information as to the nature of the disciplinary action.

HARASSMENT/HATE INCIDENT

1. Although hate incidents and hate-motivated harassment is upsetting and can be traumatizing, these behaviors are typically protected by the First Amendment right to freedom of expression. If this type of activity escalates to threats being made or carried out against a person or property or becomes an incitement to commit violence it may be classified as a hate crime.
2. These are acts of harassment, discrimination, intimidation, or bullying carried out against a person because of their actual or perceived nationality, race or ethnicity, religious beliefs or practices, sex, gender identity, sexual orientation, culture, heritage, or physical/mental attributes.
3. Some examples of hate-motivated harassment may include (but are not limited to):
 - name calling, including slurs or other derogatory terms
 - the distribution of non-threatening racist/homophobic/transphobic/misogynistic flyers in a public place or on social media
 - displaying non-threatening anti-LGBTQIA+ placards or stickers
 - writing a letter to the editor ridiculing people with disabilities or ethnic differences
 - displaying hate material on private property
4. In addition to emailing your student's teacher/advisor, principal, school counselor, coordinator of student services at your school district, and director of student services at your school district, it is also recommended that you report the incident with OC Human Relations (www.ochumanrelations.org/hatecrime/report) and your local law enforcement (if they have the reporting capabilities for hate incidents). Make sure to include information about the location in your report, such as which grade(s), school, school district.
5. It is extremely important to document what happened.
 - Take photographs of the evidence, write down exactly what was said, particularly any words that indicate bias motivation, and any other information that may be valuable like time/date/place.
 - Get the name(s), address(es) and phone number(s) of other victims and witnesses.
 - If possible and applicable, write down a description of the perpetrator and the perpetrator's vehicle.

HATE CRIME

1. As defined by the OC Sheriff's Dept., a hate crime is "an act, an attempted act, or a threatened act by any person or group of persons to cause physical injury, emotional suffering or property damage against the person or property of another individual or group which is or appears to be motivated, all or in part, by race, religion, ethnicity, or sexual orientation. These crimes include, but are not limited to, racist, homophobic, and/or religious graffiti, destruction of other religious symbols, cross burnings, physical assaults, or criminal threats of violence against an individual or a group."
2. In an emergency, call 911. Otherwise, call [Orange County Sheriff's Department](http://www.ocsheriff.com) or your local city law enforcement to make a report. In addition, you can submit a tip to the FBI (www.fbi.gov/tips) or call your local FBI Field Office (www.fbi.gov/contact-us/field-offices)
3. Obtain medical attention, if needed. Be sure to keep all medical documentation.
4. Leave all evidence in place. Do not touch, remove or clean up anything.
5. Again, it is extremely important to document everything.
 - a. Take photographs of the evidence, write down exactly what was said, particularly any words that indicate bias motivation, and any other information that may be valuable like time/date/place.
 - b. Get the name(s), address(es) and phone number(s) of other victims and witnesses.
 - c. If possible and applicable, write down a description of the perpetrator and the perpetrator's vehicle.
6. If your student has been a victim of a hate crime, please also notify your school principal and director of student services at your school district so that they may cooperate fully with local authorities.

What if I am not satisfied with the response of the school or the school district?

File an appeal with the California Department of Education within 15 days of the school district's decision.
(www.cde.ca.gov/re/cp/uc)

What if nothing happens at the state level?

You may file a complaint at the federal level with the Office of Civil Right using the OCR form.
(www2.ed.gov/about/offices/list/ocr/docs/howto.html)

If you are in need of any help or more information, please visit the following sites:

- **Esther Lim's Hate Crime Book** - www.hatecrimebook.com
 - Chinese Language Support (Simplified Chinese)
 - **如何举报仇恨犯罪**
 - www.hatecrimebook.com/work/peaks-94w96
 - Chinese Language Support (Traditional Chinese)
 - **如何舉報仇恨犯罪**
 - www.hatecrimebook.com/work/horizon-8z6zd-n4ljz-52jll
 - Japanese Language Support
 - **ヘイトクライムを報告する方法**
 - www.hatecrimebook.com/work/coast-fewjm
 - Korean Language Support
 - **중요 범죄 신고 방법**
 - www.hatecrimebook.com/work/wildlife-mrelt
 - Spanish Language Support
 - **Cómo denunciar un crimen de odio**
 - www.hatecrimebook.com/work/landscape-x69zm
 - Thai Language Support
 - **วิธีรายงานอาชญากรรมจากความเกลียดชัง จากความเกลียดชัง จากความเกลียดชัง**
 - www.hatecrimebook.com/work/seafaring-4c882
 - Vietnamese Language Support
 - **Làm thế nào để báo cáo một tội thù ghét**
 - www.hatecrimebook.com/work/horizon-8z6zd
 - Tagalog Language Support
 - **Papaano ipagbigay alam ang krimen ng pagkamuhì**
 - www.hatecrimebook.com/work/horizon-8z6zd-n4ljz
- **ACLU Know Your Rights**
 - www.aclu.org/know-your-rights/students-rights
- **National Center on Safe Supportive Learning Environments**
 - <https://safesupportivelearning.ed.gov/hot-topics/preventing-and-responding-discriminatory-behavior-schools-and-campuses>
- **OC Human Relations**
 - www.ochumanrelations.org/hatecrime/report
- **State of California Department of Justice**
 - <https://oag.ca.gov/hatecrimes>