

Adopted: December 2020

MITCH CHARTER SCHOOL
Bias Incidents and Hate Speech

MITCH Charter School recognizes the diversity of the school's community, and sees it as one of its greatest strengths. All students are entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, ability or national origin. Similarly, all staff are entitled to work in an environment that is free from discrimination or harassment. Our facilities and services are available only to employees and visitors whose practices are consistent with this policy.

When one person in a school community is treated poorly, everyone is affected. The presence of hate symbols on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin causes harm and significantly disrupts the operation of schools. The board recognizes that it cannot be silent when incidents of prejudice against protected classes and identities occur within the school environment or its activities. The Executive Director is responsible for creating an environment where staff will actively and regularly review all aspects of programming and identify methods to ensure all students and staff members participate in a safe environment.

Together, we must protect the mental, physical and social health of all students, families, staff, and visitors in our school. This includes removing any and all barriers that interfere with a student's wellbeing, belonging, and ability to learn and thrive. The goal of this policy is to not only acknowledge that Bias Incidents and hate speech occur within Oregon schools, but also to work to educate all students and staff about this fact and to move forward to create a plan of action to address it in order to create a school environment that is healthy and safe for all of our students and staff.

"Symbol of Hate" means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or nation origin including the noose, swastika, or confederate flag, and whose display: (A) Is reasonably likely to cause a substantial disruption of or material interference with school activities, or (B) 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.

"Bias Incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate .¹ Bias Incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups, including incidents of hate speech.

MITCH Charter School strictly prohibits Bias Incidents at all times.

Education and Engagement

MITCH Charter School leadership shall regularly provide substantive educational opportunities and experiences to students, teachers, classified employees, administrators, board members, and TTSD community members on equity, access, inclusion and belonging to prevent and address Bias Incidents. These educational opportunities and experiences shall include trauma-informed research and implementation, culturally responsive education, positive behavioral solutions, school culture committee gatherings and surveys to address and assess community perceptions of inclusion, belonging, and family engagement. They may occur both in a classroom setting and outside of a classroom setting, and shall be designed to develop skills in identifying, preventing, and responding to Bias Incidents. Furthermore, the educational opportunities and experiences should be developmentally appropriate and vary depending on the grades and ages of the students.

Reporting

The board recognizes that persons impacted by Bias Incidents and hate speech extends broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident. Those who have experienced or are aware of a Bias Incident or hate speech are encouraged to report this incident to the appropriate channel. If safely possible, providing documentation including pictures, screen shots, or saving any physical materials is helpful to this process.

If a student, staff member, or volunteer feels that they have been subjected to a Bias Incident or other inappropriate conduct based on race or any other protected class, they are encouraged to report this to a school employee. Any staff member who has knowledge of conduct in violation of this policy shall immediately report their concern to the Executive Director. Reports may be made anonymously.

The Executive Director, School Counselor and/or Equity Coordinator will take reports confidentially and conduct a prompt investigation of any reported Bias Incidents. Leadership will follow up on any complaint or report by utilizing the appropriate complaint process(es), depending on who was involved in the incident. All reports shall be tracked and filed by the Executive Director, School Counselor and/or Equity Coordinator.

Reports of staff conduct may be directed to the Executive Director. Reports of the Executive Director may be directed to the Board Chair. Upon receipt of a report, the Executive Director or Board Chair will ensure that the appropriate complaint procedure is followed.

MITCH Charter School is committed to ongoing communication throughout the investigation.

When the person making the report is known, they shall be notified when the investigation has been completed and, as appropriate and when authorized by law, the findings of the investigation and any remedial action that has been taken. If any of the information aforementioned cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation. The person reporting may appeal the initial decision in accordance with the applicable complaint procedure. Retaliation against any person who is a victim of, who reports, who is thought to have reported, or who files a complaint about a Bias Incident in good faith, or otherwise participates in an investigation or inquiry, is also strictly prohibited and will be subject to discipline.

Accountability for Implementation

It is critical that this policy be applied uniformly and with fidelity throughout the school.

School Leadership, including the board, Executive Director and Equity Coordinator, will develop and implement instructional materials to make this policy and related practices including reporting procedures, educational processes, and possible consequences known to all school employees and students. Plans will outline and describe each of the school's goals, strategies and tactics for implementing this policy, and any other relevant programs. The Equity Team shall complete a mid-year and end-of-year report in a format determined by the Executive Director, including school-level data on reporting violations of this policy.

Solutions

Solutions are responses to originators of Bias Incidents. The board recognizes that discrimination, exclusion, othering, harassment, and the use of hate symbols and hate speech are complex and multifaceted, and often reflect systemic problems rather than individual shortfalls. Therefore, these responses should include trauma-informed, healing-centered approaches that address the root causes and consequences of these harmful acts, and create opportunities for education and learning while avoiding blame, punishment, or further exacerbation of the attitudes and biases that may have prompted the event(s). Every effort will be made to educate those committing the offense regarding the impact of their actions with appropriate, non-punitive remedial measures.

These solutions may include required education, required participation in activities, restorative justice programming, removal of school privileges, and disciplinary action. These responses shall be enacted in partnership with the School Counselor. All solutions should be age appropriate and developmentally appropriate, and to the extent practicable, use approaches that are shown through research to be effective to correct behavioral problems, while supporting a student's attendance to school and classes. Responding staff will be required to recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place.

MITCH Leadership will ensure careful consideration of the rights and needs of the individual concerned, as well as the best interests of other students and the school program as a whole. Any disciplinary action prompted by a violation of this policy shall follow district policies on student discipline.

Healing

When handling Bias Incidents, the responding building and district staff shall prioritize the safety and well-being of the victim. The board recognizes that in some situations, the victim of a Bias Incident may never fully heal. MITCH Leadership will strive to minimize and mitigate harm experienced by the victim. Any redirection procedures will include educational components that address the history and impact of hate as well as procedural components to ensure the safety, healing, and agency of those impacted by hate, accountability, and transformation for people who cause harm as well as transformation of the conditions that perpetuate the harm.

The board encourages the use of restorative practices when appropriate and available, and discourages the use of “zero tolerance” approaches that have proven to be ineffective based on research and could inflame problems.

Victims of Bias Incidents are entitled to know that an investigation has been initiated, and they shall be notified when the investigation has been completed and, as appropriate and when authorized by law, the findings of the investigation and any action that has been taken. When the findings cannot be shared, the reason shall be communicated clearly to the victim and/or family. Victims will be provided with support and resources. This includes instances with multiple victims, including incidents that occur in the classroom.

When substantial disruption to a student’s education could occur, accommodations to ensure the safety and well-being of the victim shall be made, as appropriate and with the support of the victim and/or the victim’s family.

The board will strive to end inappropriate behavior by providing supportive measures and educating staff, students, and community members. This includes when conduct does not rise to the level of statutory or policy definitions or it is determined that discipline is not warranted. Together, we must protect the mental, physical and social health of all students, families, staff, and visitors in our schools. This includes removing any and all barriers that interfere with a student’s wellbeing, belonging, and ability to learn and thrive.

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(A) Is reasonably likely to cause a substantial disruption of or material interference with school activities, or

(B) 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.

END OF POLICY

Legal References

- ORS 137.678
- ORS 163.190
- ORS 163.197
- ORS 107.705
- ORS 166.065
- ORS 166.155 - 166.165
- ORS 174.100(7)
- ORS 332.072
- ORS 332.107
- ORS 339.240
- ORS 339.250
- ORS 339.351 - 339.368
- OAR 581-021-0045
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).

Cross References

- JFCF/GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying
- AC - Nondiscrimination

- GBEA - Workplace Harassment
- GBN/JBA - Sexual Harassment
- JBA/GBN - Sexual Harassment
- JFCM - Threats of Violence
- JG - Student Discipline
- JGDA - Discipline of Students with Disabilities