



VIDEO SCRIPT

TITLE: Bullying, Harassment, & Civil Rights: An Overview of School Districts' Federal Obligation to Respond to Harassment

PREPARED BY: National Center on Safe Supportive Learning Environments, with support and input from the U.S. Departments of Education, Health and Human Services, and Justice

LEGEND: V.O. = voice over

VIDEO	AUDIO
<p>FADE IN:</p> <p>1. GRAPHIC: Opening collage of newspaper clippings and/or headlines about harassment and bullying cases combined with title graphics as follows:</p> <p>FADE IN: Bullying, Harassment, & Civil Rights</p> <p>THEN FADE IN:</p> <p>An Overview of School Districts' Federal Obligation to Respond to Harassment</p>	<p>Generic/licensed music.</p> <p><i>Note:</i> If desirable, run music under all narration, using it to fill some spots where graphic verbiage outweighs narration.</p>

VIDEO	AUDIO
<p>2. ON CAMERA: Arne Duncan</p> <p>GRAPHIC:</p> <p>Arne Duncan</p> <p>U.S. Secretary of Education</p>	<p>SECRETARY DUNCAN:</p> <p>Hello, I'm Arne Duncan, U.S. Secretary of Education. A lot of national attention has been focused on bullying and harassment, including a White House Bullying Summit and guidance from our Department of Education.</p> <p>We're concerned because nearly a third of students between 12 and 18 years old report being bullied in school. These children and youth are more likely to develop symptoms of depression, have suicidal thoughts, avoid school, have lower academic performance, or even harm themselves.</p> <p>In an important Dear Colleague Letter to educators, we lay out our concerns about these issues. We describe the legal obligations schools have under federal anti-discrimination laws when student misconduct involves harassment of a protected class. Although not all bullying is harassment, and not all harassment is bullying, schools need to clearly understand the differences and their legal obligations with respect to both.</p> <p>While anti-bullying policies are an important tool for addressing student misconduct, schools can't always rely on those policies alone; they must be able to address discriminatory harassment as required under federal civil rights laws.</p> <p>And even when bullying or harassment isn't a civil rights violation, we expect schools to help prevent those behaviors so <i>all</i> students can be safe from the physical and emotional harms that they may cause.</p> <p>We hope this video will help schools, students, and their families understand schools' obligations under federal law to respond to harassment. A website shown at the end of the video will lead you to more resources.</p> <p>Thank you so much for watching and for your commitment to keeping all of our children safe.</p>

VIDEO	AUDIO
<p>3. ON CAMERA: Morgan Freeman</p> <p>GRAPHIC: Morgan Freeman Actor and Director</p> <p>What forms can harassment take?</p> <p>FADE IN GRAPHICS TO SYNC WITH NARRATION:</p> <ul style="list-style-type: none"> - Threats - Physical assault - Verbal abuse such as name-calling, racial or other epithets, slurs - Graphic or written statements - Other physically threatening, harmful or humiliating conduct, including non-verbal conduct and gestures - May include the use of cell phones or the Internet 	<p>MORGAN FREEMAN (NARRATOR V.O.): Hello. I'm Morgan Freeman. I'm here to talk to you about harassment and bullying in our schools. As you just heard Arne Duncan say, too many of our young people don't feel safe in the school. We have to change that and together we can. Come learn with me what we and our schools can do and must do to end harassment.</p> <p>First, it's important for everyone to understand what harassment is. ...</p> <p>Harassing conduct may take many forms, including threats... physical assaults... and verbal and written abuse.</p> <p>This conduct may be physically threatening, degrading, or humiliating.</p> <p>Harassment can happen in person or by phone or on the internet.</p>

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<p>4. GRAPHIC:</p> <p>Harassment vs. bullying</p> <p>FADE IN GRAPHICS TO SYNC WITH NARRATION:</p> <ul style="list-style-type: none"> - Labels don't define discriminatory conduct - Bullying is unwanted, aggressive, repetitive behavior that involves a real or perceived power imbalance. - Bullying can include conduct that is not based on a particular status, such as race or sex - Harassment is covered by federal civil rights laws when it concerns conduct that is based on a protected status like race, national origin, sex, disability or religion. 	<p>FREEMAN (V.O. CONT'D): It's important to remember that not all bullying constitutes harassment...</p> <p>and not all harassment is a form of bullying.</p> <p>While federal law does not specify what a school's response to bullying should be, schools may have obligations under their own state laws.</p> <p>Schools <i>do</i>, however, have legal obligations under federal laws when it comes to discriminatory harassment.</p>
<p>5. ON CAMERA: Karol Mason</p> <p>WITH GRAPHIC:</p> <p>Karol Mason</p> <p>Assistant Attorney General, U.S. Department of Justice, Office of Justice Programs</p>	<p>MASON: The U.S. Departments of Justice and Education enforce federal civil rights laws that protect students from harassment.</p>

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<p>6. GRAPHIC:</p> <p>What is a protected class?</p> <p>A person's actual or perceived:</p> <ul style="list-style-type: none"> - Race, color, national origin - Sex - Religion - Disability <p>State laws may provide additional protections on other bases, such as actual or perceived sexual orientation.</p>	<p>MASON (V.O.): These laws protect students from harassment when it is based on their actual or perceived race, color, national origin, sex (which may include gender identity, gender expression and pregnancy), religion, and disability.</p> <p>Under these laws, harassment is defined as unwelcome conduct based on a protected class.</p>

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<p>7. Series of photographs depicting the following scenarios and SYNCED WITH V.O.:</p> <ul style="list-style-type: none"> - A group of Asian American students at a high school being harassed, physically assaulted, and taunted. - Muslim students and students perceived to be Muslims being mocked leading to a fight between the targeted students and the offending students. - Anti-gay slurs and sexual comments written on a gay high school student's locker as well as physical assaults, threat, and being ridiculed. 	<p>MASON (V.O. CONT'D): What does harassment look like?</p> <p>A group of Asian American students at a high school is harassed daily, physically assaulted, taunted, and told by other students to "go back to China," forcing them to walk around the building to get to class. This is harassment based on students' race and national origin.</p> <p>Comments are made to Muslim students and students perceived to be Muslim mocking their culture and suggesting the students are terrorists. One Muslim student is told that he will be beaten up for having a copy of the Koran in his locker. A fight breaks out between the targeted students and the offending students. This is harassment based on national origin and religion.</p> <p>Classmates of a gay high school student write anti-gay slurs and sexual comments on his locker, and physically assault, threaten, and ridicule him because he does not conform to stereotypical notions of how teenage boys are expected to act and appear. Title IX prohibits harassment of all students, even if the harasser and target are members of the same sex. Although Title IX does not prohibit discrimination based solely on sexual orientation, this example also includes sexual harassment and harassment based on sex stereotypes because this student was harassed for failing to act as some of his peers believed a boy should act.</p>

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<p>8. ON CAMERA: Karol Mason</p>	<p>MASON: Harassment creates a hostile environment when the conduct is sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the school's program on the basis of a protected class. Federal civil rights laws require a school district to investigate harassing incidents and to respond appropriately.</p>
<p>9. GRAPHIC WITH ONE QUESTION AT A TIME:</p> <p>Did the harassment interfere with the student's ability to get an education?</p> <p>Would the harassment have an effect on a reasonable person in the student's position?</p>	<p>MASON (V.O. CONT'D): Whether a hostile environment exists is evaluated from both the student's subjective perspective and objectively.</p> <p>Harassment has to be more than just casual or isolated incidents to create a hostile environment. The more severe the conduct, the less need there is to show repeated incidents, especially if the harassment involves physical conduct. Schools must address <i>all</i> incidents of harassment to ensure these incidents never escalate into a hostile environment.</p>
<p>10. GRAPHIC: Video of students in hall between classes to illustrate the general environment.</p>	<p>FREEMAN (V.O.): If harassment is tolerated or ignored, it can impact the entire school climate and undermine everyone's sense of safety in the learning environment, not just the targeted students.</p>
<p>11. ON CAMERA: Catherine E. Lhamon</p> <p>GRAPHIC:</p> <p>Catherine E. Lhamon</p> <p>Assistant Secretary for Civil Rights, U.S. Department of Education, Office of Civil Rights</p>	<p>LHAMON: Schools have to address all incidents of harassment about which they know or reasonably should have known. But how are schools expected to know about harassment that is occurring?</p>

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<p>12. GRAPHICS SYNCHED WITH V.O.:</p> <p>Best practices for reporting harassment</p> <ul style="list-style-type: none"> - Anyone can report an incident of harassment - Reports should be in writing - Tell staff how the conduct is affecting the student - Maintain good documentation and follow through <p>If harassment persists, consider filing a complaint with:</p> <ul style="list-style-type: none"> - Your school district or - The U.S. Department of Education’s Office for Civil Rights (OCR) or - The U.S. Department of Justice’s Educational Opportunities Section 	<p>LHAMON (V.O.): Schools should start by training all employees so everyone knows how to recognize harassment...</p> <p>and respond appropriately when it happens.</p> <p>Harassment complaints can be filed locally . . . or with the appropriate federal agencies that handle such claims.</p>
<p>13. GRAPHIC:</p> <p>Sources of notice</p> <ul style="list-style-type: none"> - A student tells someone - A parent tells a site or district administrator - A complaint or grievance is filed - A staff member or administrator see harassing behavior - A report is received indirectly, perhaps from members of the community or the media - Responses to a school climate survey 	<p>LHAMON (V.O. CONT'D): Schools may become aware of harassment from a variety of sources. Once the school knows about harassment, or should know about it, then it’s responsible for addressing it.</p>

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<p>14. GRAPHIC:</p> <p>School investigations must be prompt, thorough and impartial</p> <ul style="list-style-type: none"> - Interview targeted students, students alleged to have engaged in harassment, and witnesses, - Keep written documentation - Tell targeted students the steps being taken to end harassment - Check in with targeted students to ensure that harassment has stopped 	<p>LHAMON (V.O. CONT'D): Once a school knows about harassment, it must promptly and impartially investigate to find out what happened and whether discriminatory conduct occurred.</p> <p>Investigations are important because they may reveal that the situation can be easily resolved or they may reveal that the incident was more serious than first appeared or that certain students have engaged in repeated acts of harassment.</p>
<p>15. GRAPHIC:</p> <p>When harassment occurs, schools should take steps to:</p> <ul style="list-style-type: none"> - End the harassment - Eliminate any hostile environment - Provide redress for harassed students - Prevent harassment from recurring - Prevent retaliation against the targeted students or complainants 	<p>LHAMON (V.O. CONT'D): If a school finds that harassment that has created a hostile environment has occurred, immediate action must be taken to end the harassment, eliminate the hostile environment, and prevent recurrence and retaliation. Failure to take these actions is a violation of federal civil rights laws.</p>
<p>16. GRAPHIC: An adult meeting with a student.</p>	<p>FREEMAN (V.O.): Schools can effectively respond to harassment while complying with civil rights laws by taking reasonable steps to stop harassment when it occurs, eliminate any hostile environment, and prevent its recurrence. This may include providing targets of harassment with counseling, academic support services like tutoring, and other services, and providing perpetrators of harassment with counseling and other services.</p>

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<p>17. ON CAMERA: Catherine E. Lhamon</p>	<p>LHAMON: Schools can't prevent all harassment before it happens or know about every incident of student misconduct, but they should create safe school climates that support positive behavior and let the community know that harassment and other forms of discrimination are not tolerated.</p>
<p>18. GRAPHIC:</p> <p>Creating safe environments</p> <p>Ensure school staff, including any Title IX/Section 504/Title VI coordinators are trained in identifying, addressing and investigating harassment</p> <p>GRAPHICS SYNCHED WITH V.O.:</p> <p>Develop, revise, and publicize:</p> <ul style="list-style-type: none"> - Policy prohibiting harassment and discrimination - Grievance procedures for the students to file harassment complaints - Contact information for any Title IX/Section 504/Title VI coordinators 	<p>LHAMON (V.O. CONT'D): Schools should make sure that everyone knows about harassment policies and how to report any problems, including making policies available to limited English proficient students and parents in a language they understand.</p> <p>Civil rights laws and guidance provide that schools should have three things:</p> <ul style="list-style-type: none"> - One, a non-discrimination policy that is widely published; - Two, grievance procedures for students to file harassment complaints that are easily accessed; - And three, a coordinator for compliance with civil rights laws. Everyone needs to know who that person is and how to contact him or her.

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<p>19. ON CAMERA: Catherine Lhamon</p>	<p>LHAMON: When harassment occurs, the school's first priority is to restore the learning environment for everyone. The school should directly address the harassing behaviors and provide students who engage in those behaviors with the social, behavioral, and mental health supports they need. Suspension, expulsion and other consequences that remove students from the learning environment should be a last resort because merely removing students from the classroom may worsen behavior without addressing why the conduct was impermissible or providing the student with necessary guidance about how to behave at school.</p>
<p>20. GRAPHIC</p> <p>Photo of a positive interaction between an adult and young person.</p>	<p>LHAMON (V.O.): These students may have faced significant mental or emotional health challenges of their own, and these issues must be addressed with supportive approaches like multi-tiered behavioral supports and social emotional learning if educators are to create safe school climates in which all students can learn.</p>
<p>21. GRAPHIC AND SYNCHED WITH NARRATION:</p> <p>Be proactive</p> <ul style="list-style-type: none"> - Encourage dialogue and communication in the school community regarding school life and anti-harassment policies - Develop and update policies and procedures - Widely publish policies and procedures against harassment - Provide training to staff and students - Establish and sustain an environment of tolerance and respect 	<p>LHAMON (V.O. CONT'D): Finally, it's a good idea to work with the school community to develop and periodically review policies to ensure that they support a positive school climate and create an environment that encourages communication about what's going on, what's wrong, and what's working.</p> <p>Making sure everyone is fully aware of policies is vital...</p> <p>...as is making sure everyone is trained.</p>

VIDEO	AUDIO
<p>22. GRAPHIC:</p> <p>www.stopbullying.gov/</p> <p>www.stopbullying.gov/civil-rights-video</p>	<p>FREEMAN (V.O.): There are many resources to help schools understand harassment, civil rights laws, and even receive free training and technical assistance in building their responses, both within schools and as partners with the community. Go to stopbullying.gov to find out more.</p>
<p>23. CLOSING CREDITS:</p> <p>This video was produced under the direction of the U.S. Department of Education, Office of Safe and Healthy Students and the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.</p> <p>GRAPHIC: Logos for the U.S. Department of Education and U.S. Department of Justice and then the U.S. Department of Health and Human Services</p> <p>*The content of this presentation was prepared under a contract from the U.S. Departments of Education and Health and Human Services to the American Institutes for Research (AIR). This presentation does not necessarily represent the policy or views of the U.S. Departments of Education and Health and Human Services, nor do they imply endorsement by the Departments.</p>	<p>FREEMAN (V.O.): Schools have a responsibility to create safe learning environments for all students. When harassment is based on a protected class and creates a hostile environment, schools have an obligation under federal civil rights laws to take action. The U.S. Departments of Education and Justice are committed to ensuring this obligation is met and the Department of Health and Human Services supports this effort. We encourage you to use the resources identified in this video to support your own efforts to address harassment and help us all build safe, supportive learning environments for our young.</p>