

The Office for Civil Rights gives us guidance regarding bullying in the “Dear Colleague” letter dated October 26, 2010. It states, “Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential.” The statutes that OCR enforces include Title VI, Title IX, and Section 504 and Title II (ADA, 1990). School districts may be in violation of these statutes when peer harassment based on race, color, national origin, sex or disability, is sufficiently serious that it creates a hostile environment and is not adequately addressed or is ignored by school employees. OCR gives the additional guidance: “[E]ven when bullying or harassment is not a civil rights violation, schools should still seek to prevent it in order to protect students from the physical and emotional harms it may cause.”

“What Is the Role That Counselors May Be Expected to Play in Addressing Harassment and Bullying?”

What forms can harassment take?

Harassment can include verbal acts and name-calling; graphic and written statements that may include use of cell phones or the Internet; or other conduct that is physically threatening, harmful, or humiliating. It must include intent to harm. Harassment occurs when it creates a hostile environment, or when the behavior is “sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered

What is the school’s responsibility?

To address harassment they know about or reasonably should have known about.

How should a school respond?

- Immediately.
- By taking appropriate action.

Steps taken will vary based on the allegations, source of complaint, age of the student(s) involved, size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

What if the investigation reveals that discriminatory harassment has occurred?

A school must:

- Take prompt and effective steps to end the harassment.
- Eliminate any hostile environment and its effects.
- Prevent the harassment from recurring.

What steps should be taken to end harassment?

- Separate the accused harasser and target.
- Provide counseling for target and/or harasser.
- Take disciplinary action against harasser.

These steps should not be such as will penalize the student who was harassed, such as changing his/or class schedule. Action may also include issuing new policies against harassment.

The district Title IX and Section 504 monitoring officer should be well known throughout the district.

Finally, the district/school should take steps to prevent the harassment from recurring, as well as preventing retaliation against the person who made the complaint.

Adapted from the “Dear Colleague” letter, October 26, 2010

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