

American Civil Liberties Union

Model Anti-Harassment and Discrimination Policies for Schools

Model Anti-Harassment Policy

Date _____

The _____ School District is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with respect. Teachers and other staff members are expected to teach and to demonstrate by example that all members of the community are entitled to respect.

Harassment of a student by another student or by a teacher or other staff member is a violation of school policy. This includes (but is not limited to) harassment based on race, national origin, marital status, sex, sexual orientation, gender identity, religion, or disability. Punishable harassment is conduct, including verbal conduct, (1) that creates (or will certainly create) a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (2) that is threatening or seriously intimidating.

Sexual harassment is a form of harassment that also violates school policy. Punishable sexual harassment is an unwelcome sexual advance or sexual conduct, including verbal conduct, (1) that is tied to a student's educational benefits, opportunities, or performance, or to a student's physical or psychological well-being; (2) that creates (or will certainly create) a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (3) that is threatening or seriously intimidating.

To prevent harassment in the first instance, staff members should teach — teach why harassment is wrong and teach that tolerance and respect are essential to a free society. In response to an act of harassment, staff members should intervene immediately to stop the harassment and, if appropriate, should punish the harassment promptly, consistently, and proportionately to the seriousness of the act. But the response should not end there; rather, staff members should deter future harassment with continuing lessons of tolerance and respect.

Note: Schools should develop and publicize rules that explain how harassment can be reported and how reports of harassment will be handled. In some cases, schools are required to do so by federal law. These rules should require staff to report harassment to a designated school official; should prohibit retaliation against anyone who reports harassment; and, to the extent possible, should protect the confidentiality of anyone who is involved in a report of harassment.

Model Discrimination Policy

Date _____

The _____ School District is committed to equal opportunity for all students and all staff.

It is District policy that no one shall be treated differently, separately, or have any action directly affecting him or her taken on the basis of race, religion, national origin, marital status, sex, sexual orientation, gender identity, or disability where a person is otherwise qualified or could be with reasonable accommodation.

The immediate remedy for any act of discrimination shall be to end it, treat the individual equally, and, as much as practically possible, to eradicate any effects of discrimination. Discipline should be imposed where appropriate.

American Civil Liberties Unions. (2001, October 23). *Model anti-harassment and discrimination policies for schools*. Retrieved on December 1, 2004, from <http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?ID=9214&=106>