

INTER-OFFICE CORRESPONDENCE

LOS ANGELES UNIFIED SCHOOL DISTRICT
JOHN MUIR MIDDLE SCHOOL

TO: All Staff

DATE: March 31, 2009

FROM: ^MB. R. Esquivel, Assistant Principal

SUBJECT: **RESPONDING TO AND REPORTING HATE-MOTIVATED INCIDENTS
AND CRIMES**

The purpose of this memorandum is to provide you with excerpts from BUL-2047.0 (October 10, 2005) on Responding to and Reporting Hate-Motivated Incidents and Crimes. All hate motivated incidents/hate crimes will not be tolerated and shall be reported and recorded according to LAUSD procedure. Any act of hate whether an incident or a crime, that is substantially based, either in whole or in part upon the victim's actual or perceived race, religion, nationality, sexual orientation, disability or gender shall be treated seriously by all staff and documented according to policy.

The Los Angeles Unified School District is committed to providing a safe learning and working environment that is free from discrimination and harassment. Hate-motivated incidents and crimes jeopardize both the safety and well being of all students and staff. The District will not tolerate hate-motivated incidents/crimes based on race, color, national origin, religion, disability, sex, sexual orientation, gender identity, or retaliation in any form for reporting such incidents/crimes.

A "hate-motivated incident" means an act or attempted act, which constitutes an expression of hostility against a person, property, or institution because of the target's real or perceived race, color, national origin, religion, disability, sex, sexual orientation, or gender-identity. This may include using bigoted insults, taunts, or slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication.

A "hate-motivated crime" means a "hate-motivated incident" that has been investigated by law enforcement and determined to be criminal in nature and a violation of the law. This includes any criminal action that manifests evidence of hostility toward the target because of his or her actual perceived race, color, national origin, religion, disability, sex, sexual orientation or gender identity. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings. This also includes threats or hate mail sent by electronic communication.

The following questions may assist in determining whether an act or action is a hate-motivated incident/crime.

1. Was an actual crime or attempted crime, such as vandalism, assault or battery, committed? Both verbal and written threats may be included in this consideration.
2. Was the incident/crime directed at a particular person or group of persons because of the actual or perceived race, color, national origin, religion, disability, nationality, sex, sexual orientation, or gender identity of the person or group of persons (protected categories)?

3. Did the perpetrator intentionally select the target because of his or her belonging to a protected category (listed in #2 above)? There must be some indication that the perpetrator's actions were motivated by bias/prejudice against the deliberately selected target (a person who is actually, or perceived to be a member of or affiliated with one of the above-reference "protected" categories.)
4. Was a substantial motivation for the perpetrator's action because the target was a member or perceived member of one of the "protected" classes referenced above?
5. Did the perpetrator perceive that the target fell within one of the protected categories (listed in #2 above)?

If the answers to the above-listed indicators have been determined to be true, then the incident may be hate-motivated or rise to the level of a hate-motivated crime. However, conduct that does not rise to the level of a "hate-motivated crime" may still be considered to be a hate-motivated incident, unlawful discrimination, and/or inappropriate behavior, and may require follow-up, some type of corrective or administrative action, and/or discipline, as appropriate.

Cc: Administrative Staff