

The Region 1 Board of Education (Board) is committed to providing a safe and healthy environment for all children in the school district. The commission of hate crimes and bias incidents committed on school grounds or at school related activities can lead to further violence and retaliation. Hate crimes and bias incidents are a direct attack upon the actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics and will not be tolerated by or within the school district. The school district employees will work closely with local law enforcement and the county prosecutor's office to report or eliminate the commission of hate crimes and bias incidents.

Definitions

1. A **“hate crime”** is any criminal offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of religion, national origin, alienage, color, sex, gender identity or expression, sexual orientation, blindness, or mental or physical disability. An offense is bias-based and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is racial, religious, ethnic or pertains to sexual orientation. The designated bias incident offenses include such acts as murder, manslaughter, rape, robbery, aggravated assault, burglary, simple assault, fear of bodily violence, arson, criminal mischief, damage to property, weapons offenses, sex offenses, terroristic threats, trespass, disorderly conduct, harassment and desecration of venerated objects.
2. A **“bias incident”** is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation, including gender identity or expression.
3. A **“bias-related act”** is an act directed at a group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion, sexual orientation, gender identity or expression, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

4. A **“hate-motivated incident”** is a noncriminal act or attempted act that constitutes an expression of hostility, bias, or bigotry against a person, property, or institution because of the target’s actual or perceived protected characteristics as set forth above. This may include using insults, taunts and 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, websites or any other electronic or written communication.

5. A **“hate-motivated crime”** is a “hate-motivated incident that has been determined by law enforcement to be criminal conduct that was primarily motivated by bias or prejudice against a targeted group. This includes any criminal action that manifests evidence of hostility towards the target because of his or her actual or perceived characteristics set forth above. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols and fire bombings. This also includes threats and hate messages sent by electronic communication.

6. **“Retaliation”** is any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposition discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.

7. **“Disability”** includes mental and/or physical impairments.

8. **“Electronic”** communications, acts, postings refers to conduct perpetrated through, but not limited to the following: internet, social networking sites, spyware or global positioning system tracking technology, telephone or cellular telephone, instant or text messages, email, blogs, websites, forums and mailing lists.

9. **“Gender”** means sex, and includes a person’s gender identity and gender expression.

10. **“Gender expression”** means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.
11. **“Harassment”** occurs when a target is subjected to unwelcome conduct related to a protected category and can result in a hostile environment when the harassment is subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under the same circumstances and is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual’s ability to participate in or benefit from the services, activities, or opportunities offered by the District.
12. **“In whole or in part because of”** means that the bias motivation must be a cause of the offense, whether or not other causes also exist. When multiple motives exist, bias must be a substantial factor. There is no requirement that bias be a main factor, or that the crime would not have been committed but for the actual or perceived protected characteristic.
13. **“Nationality”** includes citizenship, country of origin and national origin.
14. **“Race or ethnicity”** includes ancestry, color and ethnic background.
15. **“Religion”** includes all aspects of religious belief, observance and practice, including agnosticism and atheism.
16. **“Sexual orientation”** means heterosexuality, homosexuality or bisexuality.
17. **“Target”** means an individual alleged to have experienced acts in violation of this policy, sometimes referred to as “victim.”

Hate Prevention Program

The Board believes that a comprehensive hate prevention program involving all staff and students will permit the expression of diverse viewpoints but will help to prevent hate crimes and bias-related incidents in district schools and in the community.

1. Training shall be provided to all district staff in order to increase their awareness of the various manifestations of hate and bias-related incidents. The training will include anti-bias and conflict resolution methods; procedures for identifying and reporting incidents of racial, religious, and sexual harassment, discrimination, and hate crime; strategies for preventing such incidents from occurring; and resources available to assist in dealing with these incidents.

2. All students shall receive hate prevention training through age-appropriate classroom activities, assemblies, and school-related activities. The Board believes that prejudice and discrimination are learned attitudes and behaviors. Teaching children that even subtle forms of hate such as ethnic slurs or epithets, negative or offensive name-calling, stereotyping, and exclusion are hurtful and inherently wrong can help to prevent more extreme, violent manifestations of hate. Structured classroom activities and programs will help children to develop empathy, while practicing the critical thinking and conflict resolution skills needed to recognize and respond to various manifestations of hate and bias-related behavior.
3. The District will develop partnerships with families, community organizations, and law enforcement agencies. These partnerships help identify resources available to school personnel to address hate incidents, raise community awareness of the issue, ensure appropriate responses to hate incidents, and ensure that youth receive a consistent message that hate-motivated and/or bias-related behavior will not be tolerated.
4. This policy shall be distributed annually to all students, their families and to all District personnel. The purpose of this policy is to promote a school climate in which racial, religious, ethnic, gender and other differences, as well as freedom of thought and expression, are respected and appreciated. The policy should have the input of parents, students, teachers, community members, and school administrators. It should respect diverse viewpoints, freedom of thought, and freedom of expression.
5. A range of corrective actions for those who violate school hate-prevention policies shall be used. The District will take a firm position against all injurious manifestations of hate, from ethnic slurs, racial epithets, and taunts, to graffiti, vandalism, discrimination, harassment, intimidation, and violence. A wide range of nondisciplinary corrective actions to respond to incidents, including counseling, parent conferences, community service, awareness training, or completion of a research paper on an issue related to hate, as well as disciplinary actions such as in-school suspension or expulsion shall be utilized. School officials shall contact local, state or federal civil rights officials to respond to more serious incidents and, in cases involving criminal activity or threat of criminal activity, should call the police.
6. Data is to be collected to focus district-wide hate prevention efforts. Collection of data on the occurrence of school-based hate or bias-related incidents or crimes will assist

administrators and teachers to identify patterns and to more effectively implement hate prevention policies and programs.

Required Actions

Whenever any school employee in the course of their employment has reason to believe that:

1. a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or
2. that a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours, the school employee shall immediately notify the building principal and Superintendent, who in turn shall notify the Connecticut State Police. The Principal shall notify the Connecticut State Police immediately if there is reason to believe the act of violence has been or is about to be committed against a student or there is reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of their employment has reason to believe that a bias incident has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such bias incident was or is to be committed during school hours, the school employee should immediately notify the building principal and Superintendent, who in turn should promptly notify the Connecticut State Police. Any student charged with a hate crime or bias incident will be disciplined in accordance with the student conduct code or policies pertaining to discipline and student conduct.

In deciding whether to refer the matter of a bias incident to the Police Department the building principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The building principal and Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside school property.

Hate Crimes and Bias Incidents in Schools

0524(f)

It is understood a referral to the Police Department is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge.

Unless the Police Department requests otherwise, the school district will continue to investigate a suspected hate crime or bias incident occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias incident pending the arrival of the Police Department. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Police Department.

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)

10-153 Discrimination on account of marital status.

29-7m(a) Classification of crimes motivated by bias

29-7m(b) Report of crime motivated by bias.

46a-60 Discriminatory employment practices prohibited.

53a-181i Intimidation based on bigotry or bias: Definitions.

3A-181i j, k, l Intimidation based on bigotry in the first, second, or third degree.

17a-101 Protection of children from abuse.

Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011

P.A. 17-111 An Act Concerning Hate Crimes

Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38 U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Public Law 111-256

Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)

Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)

Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

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NORTH CANAAN BOARD OF EDUCATION
North Canaan, Connecticut