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Office for Civil Rights

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Deputy Assistant Secretary

Phone Number: 202-205-5557

Fax Number: 202-205-5381

Message: *Hope this helps!*

_____If there are transmission problems, please call Millie Palmer at
202-205-5557.

**UNITED STATES
DEPARTMENT OF EDUCATION****NEWS**

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Rodger D. Murphey
(202) 401-0774

**EDUCATION DEPARTMENT AND ATTORNEYS GENERAL ISSUE GUIDANCE TO
HELP SCHOOLS END HARASSMENT AND HATE CRIMES**

The U.S. Department of Education Office for Civil Rights (OCR) and the National Association of Attorneys General Bias Crime Task Force Education Subcommittee today issued *Protecting Students from Harassment and Hate Crimes, A Guide for Schools*, intended to help school officials deal more effectively with instances of harassment and violence in elementary and secondary schools.

"Our schools owe students a safe environment that is conducive to learning and that affords all students an equal opportunity to achieve high educational standards," U.S. Secretary of Education Richard W. Riley said in letter forwarding the guide to schools. "Harassment and hate crimes undermine these purposes and may cause serious harm to the development of students who are victimized by this behavior."

The latest FBI crime statistics indicate that there were more than 8,000 bias-motivated crimes reported in 1997. Of these, more than 10 per cent, 848, occurred in schools. In that same year, OCR received 211 racial harassment and 125 sexual harassment complaints.

The new guide provides practical step-by-step advice as to the most effective ways to deal with persistent episodes of harassment of students and hate-motivated threats and violence.

Specifically, the guide encourages school officials to:

- o develop written anti-harassment policies;
- o identify and respond to incidents of harassment;
- o develop formal complaint procedures;
- o create a school climate that values diversity; and,
- o address hate crimes and conflicts in school and the community.

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The guide discusses various federal, state and local laws that address discrimination or criminal acts directed at students because of their race, national origin, sex, sexual orientation, disability, and/or religion. Schools officials are encourage to take immediate and appropriate steps to stop such harassment and prevent its recurrence. When ignored, such demeaning and brutal harassment incidents can jeopardize students' academic achievement and undermine their physical and mental well-being. Such incidents can also provoke retaliatory violence, damage a school's reputation, and exacerbate community conflicts.

According to the new guidebook, creating a safe school climate in which all students feel welcome is the most effective way of protecting students from harassment and hate crimes.

Sample school policies listed as models in the guide include:

- o Arizona School Policy Prohibiting Harassment and Violence;
- o Minnesota School Board Policy Prohibiting Harassment and Violence;
- o Vermont Model Anti-Harassment Policy;
- o Legislative Rules of the Board of Education of West Virginia;
- o Model Memorandum of Understanding between New Jersey Education and Law Enforcement Officials; and the,
- o Comprehensive Plan of the Edmonds, Washington School District.

The National School Boards Association has called the new publication "the kind of good preventive work the field needs to help ensure that schools provide a safe and welcome environment for all students."

The guide is intended to:

- o offer strategies for long-term solutions to the problem;
- o increase awareness of the need for organizing school-parent-community partnerships to respond to the problem;
- o offer information that will help schools to write, revise and enforce written anti-harassment policies that cover all kinds of unlawful discrimination;
- o assist school personnel to recognize harassment when it occurs and respond effectively to stop the harassment and deter recurrence or escalation;
- o review support strategies for victims;
- o provide advice to schools on ways to establish formal reporting and complaint procedures;

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- o provide information to schools regarding when and how to refer incidents to law enforcement authorities for investigation or prosecution;
- o make schools aware of the advantages of accurate incident reporting; and,
- o identify the components of crisis intervention plans that will help to avoid disruption of the educational process, should incidents occur.

Protecting Students from Harassment and Hate Crimes will be posted on the department's web site at www.ed.gov/offices. Copies are also available through ED Pubs or by calling 800-USA-LEARN.

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NOTE TO EDITORS:

The National Association of Attorneys General contacts are:
Richard Cole (617) 727-2200 x 2928
Traci Otey (202) 326-6047

**Internal Talking Points Regarding Sexual Harassment Guidance Published by the
U.S. Department of Education's Office for Civil Rights
July, 1998**

Background

The Office for Civil Rights (OCR) of the U.S. Department of Education enforces federal civil rights laws, including Title IX, which prohibits discrimination on the basis of sex.

On March 13, 1997, OCR published in the Federal Register final policy guidance ["policy"] regarding sexual harassment of students, the first comprehensive policy statement on the subject of sexual harassment in the agency's history. The policy—reflecting existing agency practices and building upon prior policy and case-related statements—was published after considerable consultation with groups representing students, schools, teachers and school administrators, as well as with civil rights groups.

Policy specifically addressing gay and lesbian students

Discrimination on the basis of sexual orientation is not prohibited by Title IX. However, OCR's policy recognized that Title IX covers sexual harassment directed at gay or lesbian students. As the policy recognizes, this kind of harassment can be manifested in several ways, as long as the conduct in question is conduct "of a sexual nature." The policy recognized:

"[I]f a male student or a group of male students target a lesbian student for physical sexual advances" because she is a lesbian, and this harassment is sufficiently severe, persistent or pervasive to affect her educational environment, then Title IX would apply.

If a male student subjects another male student to inappropriate sexual advances or other conduct of a sexual nature, and this harassment is sufficiently severe, persistent or pervasive to affect his educational environment, then Title IX protects that student.

If students heckle another student with comments based on the student's sexual orientation (e.g., "gay students are not welcome at this table in the cafeteria"), such conduct is not sexual harassment under Title IX.

The policy also recognized that homosexual sexual harassment is prohibited by Title IX, e.g., when a homosexual teacher or student seeks sexual favors from a student of the same sex.

The policy cited the Nabozny v. Podlesny, 92 F.3d 446 (7th Cir. 1996) with approval in the context of a discussion regarding recourse beyond Title IX to address the problem of discrimination against gay and lesbian students. OCR also refers allegations of "hate crimes" related to sexual orientation (beyond the purview of Title IX) to the Department of Justice.

The general scope of the policy

The policy confirms that Title IX protects students from sexual harassment by school employees, other students at the school, and third parties (e.g., students visiting from another school). It applies to any school or educational institution that receives Federal financial assistance, including public schools, colleges, universities. And it includes all the academic, educational, extra-curricular, athletic, and other programs of the school, whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

For additional information, contact Art Coleman, Deputy Assistant Secretary, at 205-5557.



OFFICE OF NATIONAL AIDS POLICY
EXECUTIVE OFFICE OF THE PRESIDENT
THE WHITE HOUSE

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NOTES/COMMENTS:

#41, you worship. See ya mañana.
Todd

736 Jackson Place
Washington, DC 20503
(202) 456-2437
(202) 456-2438 (fax)