

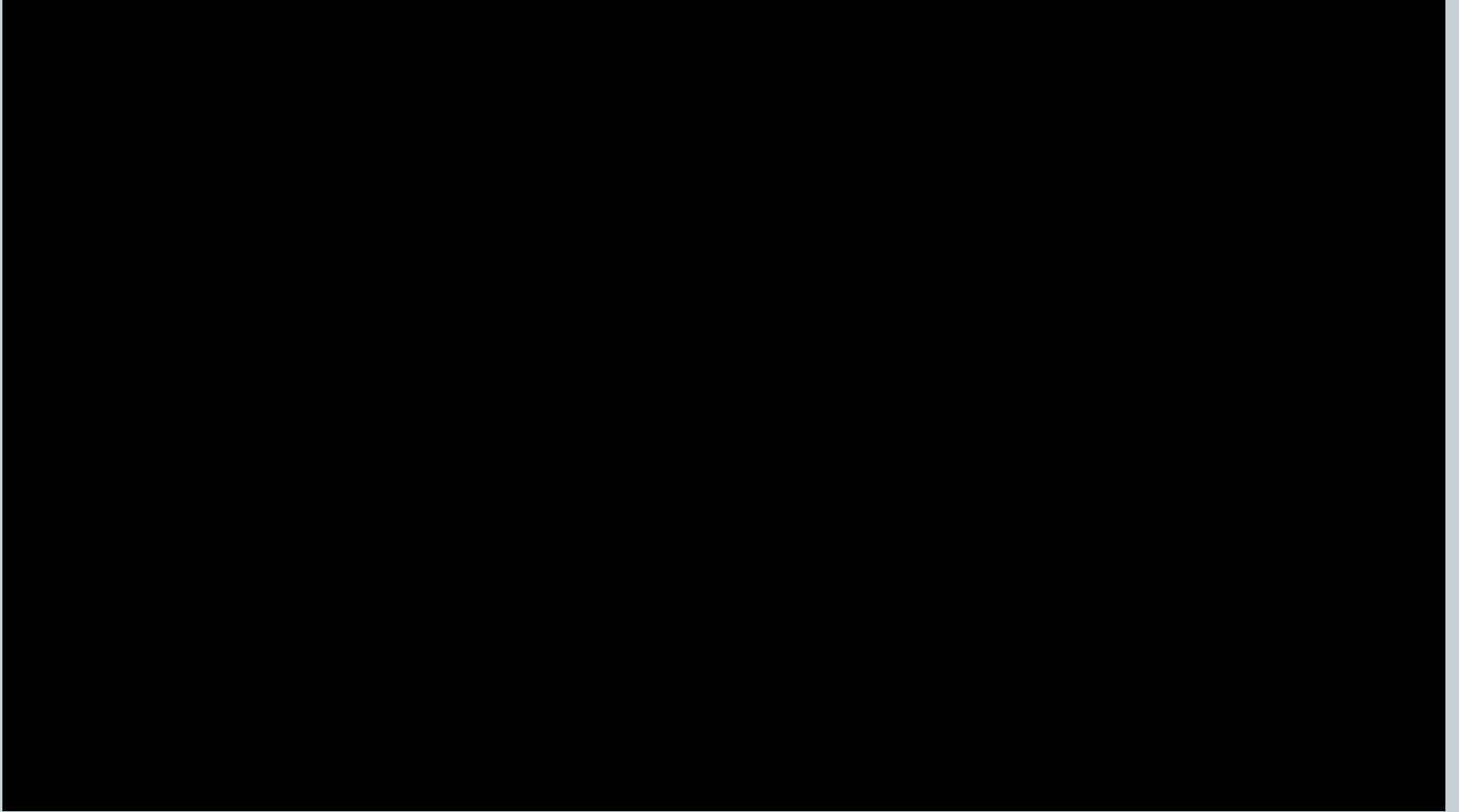
DIVERSITY



PRESENTATION ADAPTATION FROM

HEIDI J. ALDER
ATTORNEY AT LAW
LEAR & LEAR

The Office – Diversity Day



How Diverse is our School District?



Raise your hand and keep them up if you have in the course of your job interacted with:

- People of the white race, born and raised in Utah, who are members of the Church of Jesus Christ of Latter-day Saints (LDS faith) and who speak English as their primary language

Put your hand down if you have in the course of your job interacted with:

- Individuals who are 1st generation immigrants
- Individuals who are 2nd generation immigrants
- Individuals who are gay
- Individuals who are transgender
- Individuals who are not LDS
- Individuals who are not born and raised in Utah
- Individuals who are black
- Individuals who are Hispanic/Latino
- Individuals who do not speak English as their primary language

How Do We Handle Diversity?



Diversity Tips 1-9



Tip #1: Recognize that we all have biases.



Explicit Bias vs. Implicit Bias



Explicit Bias	Implicit Bias
Express Directly	Expressed Indirectly
Aware of Bias	Unaware of Bias
Operates Consciously	Operates Sub-Consciously
Example: “I like whites more than Latinos”	Example: Sitting further away from a Latino than a white individual

Implicit Bias



- Refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner and can cause us to have feelings or attitudes about other people based on characteristics such as race, ethnicity, age, and appearance.
- Activated involuntarily and without an individual's awareness or intentional control.

Key Characteristics of Implicit Biases



- Implicit biases are pervasive. Everyone possesses them, even people with avowed commitments to impartiality such as judges.
- The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.
- We generally tend to hold implicit biases that favor our own in-group, though research has shown that we can still hold implicit biases against our in-group.

Diversity Tips 1-9



Tip #2: Acknowledge that left unchecked, biases turn into stereotypes that turn into prejudices and discrimination.

- **NOTE:** Implicit biases can be changed. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned.



Diversity Tips 1-9



Tip #3: Research and take classes, professional development, or continuing education courses focused on multiculturalism, equity and inclusion.



Diversity Tips 1-9



Tip #4: Understand legal obligations to ensure discrimination does not occur in our school district.



Our Legal Responsibility

Sex/Gender

Title IX of the
Education
Amendments
Act of 1972

**Race/Color/ Nat'l
Origin/Religion**

Titles IV, VI
and VII of
the Civil
Rights Act of
1964

Disability

Section 504 of the
Rehabilitation of 1973

Americans with
Disabilities Act (ADA)

Individuals with
Disabilities Education
Act (IDEA)

Federal Laws



- **Title IX**
 - To make sure no student or employee is discriminated against on the basis of that individual's sex/gender, sexual orientation, or gender identity
- **Titles IV and VI**
 - To make sure no student is discriminated against on the basis of his/her race, national origin, skin color, or religion
- **Title VII**
 - To make sure no employee is discriminated against on the basis of his/her sex, race, national origin, skin color, or religion
- **Section 504/ADA/IDEA**
 - To make sure students and employees with disabilities are not discriminated against and are provided equal access and reasonable accommodations

Examples of School Discrimination Complaints in Utah



- Complaint that a school district discriminates on the basis of race and color by assigning less qualified teachers to teach in West side schools and by failing to provide appropriate busing for West side students.
- Complaint that a basketball coach used the “n” word and the term “monkey boy” when referring to students of color.
- Complaint against school district for lack of correction and prevention of alleged bullying targeted at a gay student who later committed suicide.
- Complaint about clothing (t-shirts) with messages that may be considered offensive to others based on race, gender, color, religion, or national origin.
- Complaint from parent of transgender male student (born as girl, transitioned to boy) who wanted to have yearbook picture taken wearing what the boys wore, when school refused.
- Complaint that a school district discriminated on the basis of race by subjecting students of color to disproportionate disciplinary measures, including in-school suspensions and suspensions of greater than 10 days, and to disproportionate contact with law enforcement.

Diversity Tips 1-9



Tip #5: Be familiar with Nebo School District's policies on non-discrimination.

- NSD Policy JDC
 - Student Discrimination and Harassment
- NSD Policy GBEA
 - Employee Discrimination and Harassment
- NSD Policy JDD/GBEA
 - Prohibition of Bullying, Hazing, and Retaliation
- Familiarize yourself with the policy examples of types of conduct that could be considered bullying, discrimination, and harassment based upon an individual's race, color, religion, sex/gender, national origin, disability, or other legally protected classification

Diversity Tips 1-9



Tip #6: Recognize when an individual's teasing/bullying is tied to race, national origin, sex, or disability.

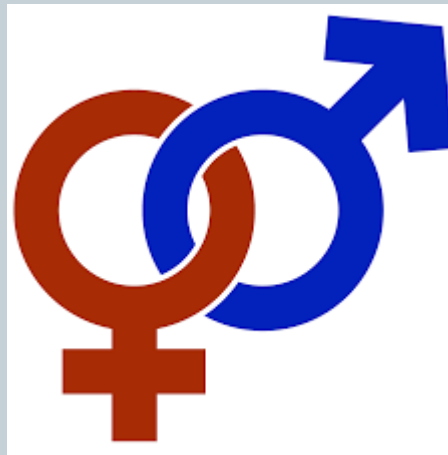
FOR EXAMPLE:

- Use of the “n” word, “wetback,” or other derogatory terms for a person's race or national origin.
- Use of the term “retarded” and/or making fun of a person's disabilities.
- Terms that suggest sexual promiscuity or impropriety (e.g., whore, slut), or spreading rumors about a person's sexual proclivities.
- Sending inappropriate messages or images to an individual.

Diversity Tips 1-9



Tip #7: Recognize that the term “sex” in Title IX has been interpreted by several courts and the Office for Civil Rights (OCR) to include “sexual orientation” and “gender identity.”



Diversity Tips 1-9



Tip #8: Put aside whatever personal thoughts/feelings/beliefs from whatever source they come and treat LGBTQ people with the same love and care you show for others.



Statistics on LGBTQ Youth



- LGBTQ students are 3 times more likely to experience harsh disciplinary treatment than their straight counterparts (47% LGBTQ had experienced suspension vs. 30% non-LGBTQ -- usually when these kids stand up for themselves).
- LGBTQ youth are more likely to experience homelessness than their non-LGBTQ peers (40% of homeless youth are LGBTQ).
- 27% of LGBTQ youth report they can “definitely” be themselves in school as an LGBTQ person (including sexual identity).
- 13% of LGBTQ youth report hearing positive messages about being LGBTQ in school.
- 26% of LGBTQ youth report that they always feel safe in the classroom.
- 40-50% of LGBTQ attempt suicide when they **are not** supported or affirmed. When they **are** supported or affirmed, number drops to 4% (the national average for non-LGBTQ persons).

Legal History of Transgender Students in Schools



- ❖ There have been 30+ lawsuits filed around the country in both state and federal courts over transgender student issues, and particularly regarding the use of restrooms and locker rooms.
- ❖ To date, no there is no Utah law or controlling court case with regard to accommodating transgender students.
- ❖ However, all students (transgender or not) are entitled to receive an education free from illegal discrimination and harassment.

What To Do While the Courts Fight it Out?



In the meantime

1. Educate ourselves (listen and learn).
2. Be aware of the issues that need to involve school administration.
3. Ensure a practice of non-discrimination for all students.

Step 1. Education



Listen and Learn

- Listen to the stories of transgender persons. Hear their experience and the experience of those who love them. These can come from people you know, TEDx Talks, YouTube videos, etc.
- Listen to students and parents who are expressing concern and worry to you about their well-being and school safety.
- Listen carefully and seek to understand before responding.



Step 1: Education, Cont.



Terminology:

- Biological Sex: The sex organs a child is born with.
- Gender Identity: How a people think of themselves and which gender they feel they are. In other words, gender identity is an emotional, rather than a physical characteristic. It is generally believed that gender identity is formed by about the age of four (although some may not realize it until later) and it very rarely changes after that.
- Gender Expression: How people demonstrate their gender to the outside world through things like dress, speech, and behavior. Gender expression may change depending on circumstances.

NOTE: Sexual attraction is not a factor in determining gender identity or gender expression. Often, gender identity is defined long before a person is sexually attracted to anyone.

Step 1: Education, Cont.



Terminology:

- Transgender Person: A person whose gender identity does not match his/her biological sex at birth. Importantly, a person's status as transgender does not depend upon whether that person has undergone (or even intends to undergo) any medical treatment for gender reassignment, nor does it depend on who a person is sexually attracted to.
- Transgender Female: A person whose assigned sex at birth is male but identifies and lives as a female. MTF or male-to-female.
- Transgender Male: A person whose assigned sex at birth is female but identifies and lives as a male. FTM or female-to-male.
- Transition: The process a transgender individual goes through to live as their self-identified gender. It includes social transitions and may or may not include medical transitions.

Step 2. Transgender Student Issues



Transgender student issues which you should refer to, or seek direction from, school administration include:

- Use of different names and pronouns
- Communications with the student and parents
- School records
- Use of school bathrooms / locker rooms
- School overnight trips
- Student-to-Student harassment or bullying
- Dress code issues
- Participation in gender specific sports and activities

NOTE: Nebo School District addresses transgender student issues on a case-by-case basis. This is generally done after school administrators consult with district legal counsel.

Step 3. Preventing Gender Discrimination at School and Work



- Be aware of gender based bullying, harassment, and hurtful teasing.
- Use inclusive phrases to address students and employees
- Immediately intervene when you hear derogatory gender stereotypes.
- Demonstrate your care for ALL students and employees. People know a safe place when they feel it.

Diversity Tips 1-9



Tip #10: Be nice to EVERYONE.

- As school district employees we have responsibility to ensure our schools and workplaces are free from discrimination and that ALL students and employees feel safe.
- Role model inclusion. Be an example on how to appropriately treat others.
- Ensure there is proper supervision to increase a sense of safety.
- Interrupt inappropriate comments based on stereotypes or identity. Make it a teachable moment.
- Stop hurtful teasing and bullying based on gender put-downs, racial slurs, insults based on disability, etc.

Daryl Davis



Daryl Davis



Be a Mr. Jensen

