

Evaluating A School District's Human Dignity Policy

In 1988, a K-12 school district in Michigan adopted a Human Dignity Policy in response to concern about a high school student distributing copies of an offensive handout to students in a government class. The handout, targeted at African Americans, asked such questions as: Number of children on welfare, number of legitimate children—if any; married, unmarried, living together; number of times arrested, etc.

Students and teachers were disgusted by the handout and deeply offended by its racism. Shortly after the incident, the school board adopted a Human Dignity Policy that stated:

The Board of Education, recognizing that we are a multi-racial, multi-ethnic school district, believes it is a part of our mission to provide a positive environment in which respect for the diverse make-up of our school community is promoted. A major aim of education in the school district is a respect for diversity.

In accordance with this aim, the school district will not tolerate behavior by students or staff that insults, degrades, or stereotypes any race, gender, handicap, physical condition, ethnic group or religion.

Appropriate consequences for offending this policy will be specified in the student code of conduct of each school building. Staff members offending this policy will be disciplined in accordance with provisions of the employee agreement with the school board.

Applying the Policy

For each of the following situations, determine whether or not the Human Dignity Policy has been violated. If you think it has been violated, suggest what the "appropriate consequences" should be for each violation.

1. During recess, a third grade girl shouts "boys are stupid and mean" to a boy on the playground after he sticks out his tongue at her.
2. During a class discussion on affirmative action in an 11th grade law class, a white student says, "If blacks would just work hard like my ancestors did, they would be able to get jobs based on merit. Black people are just using affirmative action to mask their laziness." An African-American student responds, "That is a typical racist comment - whites just don't like affirmative action because they want to make sure African-Americans are locked out of good schools and jobs."
3. While giving a speech in a speech class, an 8th grade student tells, as an attention-grabber, that he considers a joke. The joke makes fun of the intelligence of Polish people. Polish students in the class are offended.

4. After much discussion, a high school principal decides not to put the annual Christmas tree on the roof of the school in December. Many students and staff protest. A teacher says to her students, "the reason we don't have a tree this year is because the Jewish teachers raised a fuss." The teacher then proceeded to list the names of the Jewish teachers for her students.
5. Two 9th grade boys of Mexican heritage are shouting at each other in the hallway during passing period. One calls the other a "dirty spic."

Issues To Consider

- Should public schools protect students and teachers from being offended on the basis of race, gender, handicap, ethnic group or religion?
- Does the Human Dignity Policy violate the First Amendment of the United States Constitution?
- What educational values are being enhanced or diminished by this policy?
- Should the degree of free expression permitted be different in an elementary school, high school, and a college or university?
- How can respect for human dignity be promoted and enforced in public schools?

Written by Diana Hess, Constitutional Rights Foundation Chicago, with assistance from David Harris, Oakland Schools, Michigan, and Lee Arbetman, Street Law, Inc. Washington, D.C.

© **Constitutional Rights Foundation Chicago, 1991**, Revised 1995, 2003.