

**State Headquarters**  
2966 Woodward Avenue  
Detroit, MI 48201  
Phone 313.578.6800  
Fax 313.578.6811  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**Legislative Office**  
115 West Allegan Street  
Lansing, MI 48933  
Phone 517.372.8503  
Fax 517.372.5121  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**West Michigan Regional Office**  
1514 Wealthy SE, Suite 242  
Grand Rapids, MI 49506  
Phone 616.301.0930  
Fax 616.301.0640  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

November 17, 2016

Shawn Lewis-Lakin, Superintendent  
Royal Oak Schools  
800 DeVillen  
Royal Oak, Michigan 48073

Re: Racial Harassment and Bullying

Dear Mr. Lewis-Lakin:

The ACLU of Michigan and many people of goodwill are highly alarmed by certain behavior of some students at Royal Oak Middle School. As you know, there is a video record of students chanting "Build the wall." That alone is appalling and intolerable. However, we have also heard allegations that students have directed racial slurs at students of Mexican and Asian ancestry. In addition, it is alleged that African American students have been called the N-word and other racially offensive terms. More disturbing than all of these reports is the allegation that a teacher directed an African American student to demonstrate for the class how slaves danced for their masters.

These incidents, if true, together constitute a racially hostile educational environment that violates both Title VI of the Civil Rights Act and the Elliott Larsen Civil Rights Act. Title VI of the Civil Rights Act of 1964 prohibits discrimination by any program (including a school district) that receives federal funding. 42 U.S.C. § 2000d. This law provides in part: "no person ... shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." *Id.*

In addition, Section 402 of the Elliott-Larsen Civil Rights Act provides: "An educational institution shall not do any of the following: (a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, or sex."

As the world knows, the United States is experiencing extreme turmoil in the aftermath of a long and contentious Presidential election that involved cruel statements and conduct - sometimes racially tinged - that was unprecedented, at least in modern times. The ACLU of Michigan is prepared to allow for the possibility that students involved in the conduct referenced above were influenced by the harsh political climate either directly or by the examples set by adults in their homes and communities. If that is the case, then there are good prospects for using these incidents as "teachable moments" that can restore otherwise good relationships in the school community. We are aware of no better method for accomplishing this objective than restorative practices.

Restorative practices are derived from dispute resolution methods used by traditional communities. (Details can be found at the website for the International Institute for Restorative Practices [www.iirp.org](http://www.iirp.org).) Restorative practices are particularly useful for self-absorbed children because the objective is for students who have engaged in offensive conduct to acknowledge and feel the pain of those who have been injured by harmful behavior. As children hear and truly appreciate the harm they have caused, they become remorseful and prepared to engage in the process of repairing damaged relationships.

There are organizations in this region that are able to facilitate restorative practices sessions, and we strongly urge that you engage their services where and when appropriate. Two such organizations are the Wayne Mediation Center and Black Family Development, Inc. They have trained restorative practices facilitators on staff. We also urge the school district to pursue training for the students in cultural awareness and cultural competence. Likewise, there are several organizations that can be engaged to assist the school district. These include, among others: the Michigan Department of Civil Rights<sup>1</sup>, the Anti-Defamation League, and the Michigan Roundtable for Diversity and Inclusion. It is also our understanding that Royal Oak Schools received bullying prevention services from the Oakland Mediation Center in the past. If those services are no longer being provided, we encourage resumption of that program.

Unfortunately, we must also consider the possibility that some students are not merely imitating what they have seen in the broader society, but on the most fundamental level lack respect for those of other races and ethnic groups. For them the usual suggested remedies (e.g., cultural competency or racial sensitivity training, restorative practices, etc.) may be less effective if the students do not approach the process with good faith and a genuine willingness to learn and repair damaged relationships. We urge you to consider the role education plays in perpetuating a lack of respect for other races and ethnic groups. If the Royal Oak Schools curriculum focuses disproportionately on western countries and civilizations and fails to appropriately recognize the role of other cultures in human development, students who have internalized xenophobia and bigotry may benefit from the following curricular adjustments:

1. The curricula for middle school and high school history and social studies classes must incorporate meaningful sections about the origins and development of ancient non-European civilizations. As recognized by Michigan law, examples of such civilizations include, but are not limited to: Mali (West Africa); the Mayan civilization (Central America); the Tang Dynasty (China); and the Harappan civilization (South Asia).<sup>2</sup>The

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<sup>1</sup> The State Superintendent and the Michigan Department of Civil Rights, for example, issued a letter on Monday addressing bullying and harassment that contains a list of useful resources. See [http://www.michigan.gov/documents/mdcr/MDE+and+MDCR+Joint+Letter+11-15-16\\_542427\\_7.pdf](http://www.michigan.gov/documents/mdcr/MDE+and+MDCR+Joint+Letter+11-15-16_542427_7.pdf).

<sup>2</sup> It is worth noting that MCL 380.1164b provides: “A school district or public school academy that teaches world history in a middle school or high school grade is encouraged to focus the content of instruction regarding Africa on at least 1 or more of the following kingdoms: Ghana, Mali, Songhay, Benin, Bornu, Nubia, Axum, Meroe, Monomotapa, or medieval Ethiopia, or on the Swahili coast prior to 1750. This section is not intended to prohibit or limit teaching about other areas of African history.”

presentation and study of these histories must be thorough and comprehensive. The lack of respect for those who are different is often the result of ignorance of the basic fact that the human experience, while not identical in all corners of the globe, is very similar.

2. Because students who learn of ancient non-European civilizations are inclined to become curious about the fate of these societies, the curricula for middle school and high school history and social studies classes must incorporate meaningful instruction and discussion of the roles of the slave trade, conquest and colonization in the underdevelopment of certain non-European territories.
3. All students must participate in viewing and discussing age-appropriate documentary or entertainment films/videos about slavery that have been recognized by credentialed historians as reasonably accurate depictions of life during the slave era. The devastating impact of slavery is often minimized, and such distortions are often used to discount assertions that what happened in this hemisphere over the course of centuries in many ways shaped the racial perceptions of all who live in America. (The re-make of the popular television series “Roots” may be appropriate.)
4. After learning about the realities of historical racial oppression, students should then be given a chance to appreciate the tremendous sacrifices that were made to resist and overcome racial discrimination. In a series of sessions, all students might view and discuss the documentary series “Eyes on the Prize” or comparable documentaries about the Civil Rights Movement or the Abolitionist Movement.
5. The social, historical and institutional factors that account for the enhanced benefits and protection enjoyed by the white community must be understood if racial problems are to be effectively attacked. All students would benefit from participation in seminar discussions of the concept of white privilege by a respected analyst or scholar.

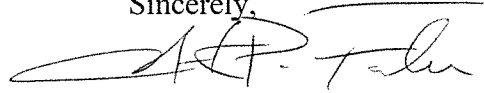
Taking these steps may present a challenge, but they will be very helpful to the rehabilitation of the racial climate in your school district. The circumstances are grave and the stakes are high. Of greatest concern are the students who have suffered and continue to suffer humiliation and embarrassment as a result of racist acts and statements.

The foregoing recommendations contemplate appropriate responses to student behavior. Teachers and staff members who engage in racial misconduct require other actions. The ACLU of Michigan regards the following as minimal essential measures that must be taken:

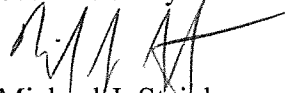
- Apologies to all students who have been affected by this conduct;
- Appropriate discipline for personnel who have been involved;
- Frank, unambiguous communication to the entire school district of zero tolerance for discrimination, harassment and bullying.

We will be interested in knowing the plan and timetable for any reforms you undertake and we will be in contact with you soon. We are hopeful that your efforts will ultimately lead to the racial redemption of the school district, and perhaps the community at large.

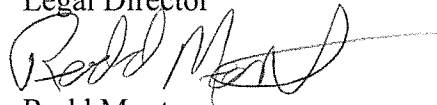
Sincerely,

A handwritten signature in black ink, appearing to read "M. P. Fancher", with a long horizontal flourish extending to the right.

Mark P. Fancher  
Staff Attorney – Racial Justice Project

A handwritten signature in black ink, appearing to read "Michael J. Steinberg", with a long horizontal flourish extending to the right.

Michael J. Steinberg  
Legal Director

A handwritten signature in black ink, appearing to read "Rodd Monts", with a long horizontal flourish extending to the right.

Rodd Monts  
Field Director