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Criminalization Can't Make It Better

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PolicyMic
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Professor Kevin Nadal [1] is absolutely right on one front: We need to Make It Better [2] for lesbian, gay, bisexual, transgender, and allied youth. All students deserve a safe learning environment.

But criminalization is not the answer.

Bullies are children, too – children who act out messages they learn from everyone around them. All students face immense challenges and barriers to graduating and getting a quality education, and while bullying shouldn't be one of those barriers, neither should an overly punitive response to bullying.

When we criminalize and punish – rather than intervene and correct – behavior, we hurt all students, including those we're trying to protect. If a student suffering abuse fights back, how will the authorities judge who deserves punishment? What about a student – like this GSA Network activist [3] – who, in coming to terms with his own sexual orientation, bullied an openly gay student? What if a punishment only makes the problem worse by, for example, suspending the bullies and making them angrier without addressing the underlying problems?

Low-income youth, youth of color, and lesbian, gay, bisexual, transgender and questioning youth are expelled from school and sent to jail at shockingly disproportional rates. Policies that rely on punishment and "zero tolerance" assume that all cases are clear-cut, and that principals and administrators lack the biases that their students exhibit. There are too many principals like Maurice Moser in Tennessee – who allegedly assaulted a student for supporting a Gay-Straight Alliance club [4] – to act on that assumption.

We **can** Make It Better. We can advocate for strong anti-bullying policies that protect all youth by specifically listing sexual orientation and gender identity and expression as protected categories.

Policies that are posted prominently in hallways and on school websites, so that teachers and students alike know they exist. Policies that detail complaint procedures and steps for intervention when bullying occurs that do not rely on suspensions and expulsion as the first option. Policies, in short, that won't contribute to an environment of fear and punishment, but rather foster a culture of safety and respect for all students.

We can Make It Better by supporting Gay-Straight Alliance clubs, intervening when harassment occurs, sending letters to principals [5], and ensuring that schools enact existing non-discrimination policies and enforce discipline in ways that don't allow their own personal bias to be factored in as part of the punishment.

http://www.policymic.com/article/show/id/1987/group/showComp... [1]

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