

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of harassment, bullying and discrimination. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of harassment, bullying and discrimination and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since "cyberbullying" is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

Policy Definitions

"*School property*" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

"*School bus*" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

"*School function*" means a school-sponsored extra-curricular event or activity.

"*Disability*" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment.

"*Employee*" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

"*Sexual Orientation*" means actual or perceived heterosexuality, homosexuality, or bisexuality.

"*Gender*" means actual or perceived sex and includes a person's gender identity or expression.

"*Discrimination*" means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic

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group, religion, religious practice, disability, sexual orientation, gender or sex.

"*Harassment or bullying*" means the creation of a hostile environment by conduct or by *threats, intimidation or abuse*, including *cyberbullying*, that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause *emotional harm*; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. The foregoing definition includes acts of harassment or bullying that occur: (i) on school property; and/or (ii) at a school function; or (iii) off school property where such acts creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment and bullying include, but are not limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "*threats, intimidation or abuse*" shall include verbal and non-verbal actions.

"*Cyberbullying*" means harassment or bullying as defined immediately above, where such harassment or bullying occurs through any form of electronic communication.

"*Emotional Harm*" that takes place in the context of "harassment or bullying" means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Harassment, Bullying and Discrimination Against Students Prohibited

The Board condemns all forms of harassment, bullying and discrimination. No student shall be subjected to harassment or bullying by employees or students on school property or at a school function (or off school property, as set forth in this policy, to the extent consistent with applicable law); nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function. However, this shall not be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Section 3201-a or Section 2854(2)(a) of the New York Education Law and Title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), nor shall this be construed to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

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At least one school employee in every school who is licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools, shall be designated as the District's Dignity Act Coordinator(s) for that school. The designation of each Dignity Act Coordinator shall be approved by the Board of Education. The names and contact information of the Dignity Act Coordinators will be shared with all school personnel, students, and parents/persons in parental relation, by:

- a) listing such information in the Code of Conduct and updates posted on the District's internet website; and
- b) posting such information in highly-visible areas of school buildings;
- c) making such information available at the district and school-level administrative offices; and either
- d) including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year; or
- e) providing such information to parents and persons of parental relation at least once per school year, in a manner as determined by the school, including, but not limited to:
 - through electronic communication; and/or
 - sending such information home with students.

If a Dignity Act Coordinator vacates his/her position, another eligible employee shall immediately be designated for an interim appointment as Coordinator, pending approval by the Board of Education, within thirty (30) days of the date that the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another eligible employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

The District's designated Dignity Act Coordinator shall be:

- i. instructed about the provisions of this policy;
- ii. thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex;

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- iii. provided with training which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- iv. provided with training in the identification and mitigation of harassment, bullying and discrimination; and
- v. provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

Development of Policies, Procedures and Guidelines for Training School Personnel

The Superintendent is authorized and directed to cause policies, procedures and guidelines to be prepared for final adoption by the Board of Education with respect to the development of school employee training programs to promote a positive school environment that is free from harassment, bullying and/or discrimination and to discourage and respond to incidents of harassment, bullying and/or discrimination on school property or at a school function and/or off school property as set forth in this policy, to the extent consistent with applicable law. These policies, procedures and guidelines shall include, but not be limited to the development of nondiscriminatory instructional and counseling methods, and providing employees, including school and district administrators and instructional and non-instructional staff, with training:

1. to raise awareness and sensitivity to potential acts of harassment, bullying and/or discrimination directed at students that are committed by students and/or school employees on school property or at a school function, or off school property as set forth in this policy, to the extent consistent with applicable law;
2. to enable employees to prevent and respond to incidents of harassment, bullying and/or discrimination;
3. make school employees aware of the effects of harassment, bullying, cyberbullying and/or discrimination on students;
4. ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and/or discrimination against students by students and/or by school employees; and
5. include safe and supportive school climate concepts in curriculum and classroom management.

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Such training may be implemented and conducted in conjunction with existing professional development training and/or with any other training for school employees. This training shall be implemented commencing with the 2012-2013 school year and during each school year thereafter.

Reporting Known and/or Suspected Harassment, Bullying and/or Discrimination

Any student who believes that s/he is being subjected to harassment, bullying or discrimination or who witnesses harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination, shall report the harassment, bullying or discrimination orally or in writing to any school employee or to the designated Dignity Act Coordinator for the student's school building. School employees at all levels are responsible for reporting harassment, bullying and discrimination of which they are aware. Any school employee who is assigned to and regularly works within a particular school building who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall promptly orally notify the designated Dignity Act Coordinator for his or her school building not later than one *school* day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the designated Dignity Act Coordinator not later than two *school* days after making such oral report. All other school employees who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination shall promptly orally notify either their immediate supervisor, who in turn shall notify the designated Dignity Act Coordinator for the supervisor's school building (if applicable), or the Superintendent of Schools, not later than one *school* day after such school employee witnesses or receives a report of harassment, bullying or discrimination, and thereafter shall file a written report with the same person to whom the oral report was made not later than two *school* days after making such oral report.

Investigating and Responding to Complaints and Reports of Harassment, Bullying and Discrimination

The Dignity Act Coordinator to whom a report is made, or the Superintendent (if the report is made directly to the Superintendent by school staff who are not assigned to a particular school building) shall lead or supervise the investigation and ensure that the investigation is completed promptly after receipt of the report. Investigation of allegations of harassment, bullying and discrimination will be conducted in accordance with applicable District policies and administrative regulations. When an investigation verifies that a material incident of harassment, bullying or discrimination occurred, the Dignity Act Coordinator or Superintendent (as applicable) shall take prompt action, or cause prompt action to be taken, consistent with the District's Code of Conduct,

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that is reasonably calculated to end the harassment, bullying and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed.

Whenever a Dignity Act Coordinator or the Superintendent (as applicable) believes that any harassment, bullying or discrimination may constitute criminal conduct, he or she also shall promptly notify the appropriate local law enforcement agency.

In addition, the Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by the Superintendent.

Reporting “Material Incidents” of Harassment, Bullying and/or Discrimination

The District will annually report “material incidents” of harassment, bullying, and/or discrimination which occurred during the school year, to the State Education Department, in the manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner.

“Material Incident of Harassment, Bullying, and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of harassment or bullying occurring off school property as set forth above, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. Such conduct shall include but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in Dignity Act or the implementing regulations shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

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For purposes of reporting, the District shall include in its annual report all material incidents of harassment, bullying and/or discrimination that:

- 1) Are the result of the investigation of a written or oral complaint made to the District's Dignity Act Coordinators or Superintendent, or their designee(s), or to any other school employee; or
- 2) Are otherwise directly observed by such Dignity Act Coordinator or Superintendent, or their designee(s), or by any other employee regardless of whether a complaint is made.

Such report shall include information describing the specific nature of the incident, including, but not limited to:

- the type(s) bias or biases involved (e.g., whether the harassment, bullying or discrimination was based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, gender, sexual orientation);
- whether the incident resulted from student and/or employee conduct;
- whether the incident involved physical contact and/or threats, intimidation or abuse (including cyberbullying, as set forth in this policy and applicable law);
- the location(s) where the harassment, bullying or discrimination occurred (on school property or at a school function, or off school property, where applicable).

Prohibition of Retaliatory Behavior/Immunity from Liability

The Board prohibits retaliatory behavior directed at any such person having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school property or at a school function (or off school property, as set forth in this policy), who acting reasonably and in good faith, either: 1) reports such harassment, bullying or discrimination to: a) school officials, b) the Commissioner of Education, or c) law enforcement authorities; or 2) initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination. In addition, all such persons shall have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that the harassment, bullying or discrimination has not continued or resumed and that

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those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Education Law Sections 10-18 and 801-a

8 New York Code of Rules and Regulations (NYCRR) Section 100.2(jj), 100.2(kk), and 100.2(1)(2)

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

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