

(X) Required

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(X) Notice

**STUDENT BULLYING, HARASSMENT AND/OR DISCRIMINATION
PREVENTION AND INTERVENTION POLICY**

The Board of Education is committed to providing safe and supportive educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets/victims but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying by District employees or students on school property, school buses and at all school-sponsored activities, programs and events, regardless of whether they are conducted on the premises of the District.

Discrimination, harassment, hazing or bullying including those that take place at locations outside the District, including via electronic communication, which can be reasonably expected to materially and substantially disrupt the educational process or the orderly operation of any school in the District or impinge on the rights of other students, are prohibited, and may be subject to disciplinary consequences.

Definitions

Harassment and Bullying

The Dignity for All Students Act (§§10-18 of Education Law) defines harassment and bullying as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and 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 shall include, but not be limited to, those acts based on a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Cyberbullying

The Dignity for All Students Act (§§10-18 of Education Law) defines cyberbullying as harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment and Bullying, above).

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying, harassment and discrimination but to help students build more supportive relationships with one another by integrating the bullying harassment and discrimination prevention program into classroom instruction. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, harassment and discrimination as well as to their responsibility to become actively involved in the prevention of bullying harassment and discrimination before overt acts occur.

Curriculum and instruction in grades kindergarten through twelve on civility, citizenship and character education will be provided and will include a component raising awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders or sexes.

In order to implement this program the Board will designate at its annual organizational meeting a *Dignity Act Coordinator* (DAC) for every school building. The role of the DAC is to coordinate and implement this policy. In addition, the Superintendent of Schools will establish a District-wide Health, Safety and Wellness Committee as well as Bullying Prevention Coordinating Committees in each school that will be overseen by the DAC. Committees will include representation from staff, administration, students and parents. The District Health, Safety and Wellness Committee and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying, harassment and discrimination and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying, harassment and discrimination. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying harassment and discrimination behavior or environmental approaches which are targeted to the school or District as a whole.

In addition, intervention will focus upon the safety of the target/victim. Staff is expected, when made aware of bullying, harassment and discrimination, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for students who do not feel safe at school

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, harassment and discrimination should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed.

Training

The Board recognizes that in order to implement an effective bullying, harassment and discrimination prevention and intervention program, professional development is needed. The Superintendent of Schools, the DACs at each building in collaboration with social workers, and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the Annual Professional Development Plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. In accordance with state law, the Superintendent of Schools shall ensure that at least one staff member at every school is designated as a DAC and is thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

Reporting and Investigation

Students who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against or other students or staff who

observe bullying, harassing and/or discriminatory behavior are encouraged to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided as well as any applicable District policies. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, District Policy 0100, Equal Opportunity and Nondiscrimination or 5020.1, Sexual Harassment of Students, and the District's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system, when applicable.

School personnel who observe any incidents of student-to-student and/or staff-to-student bullying, harassment and/or discrimination, or receive a verbal or written report of such harassment, bullying and/or discrimination, are required to promptly verbally notify their building principal or other administrator who supervises their employment within one school day after they witness or receive a report of harassment, bullying and/or discrimination. Such school personnel are also required to file a written report with their building principal or other administrator who supervises their employment within two school days after making such verbal report.

Supervisors will refer the information to appropriate District staff for investigation as designated in the regulation. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed or reported incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation.

Disciplinary Consequences

While the focus of this policy is on prevention, bullying, harassing and discrimination acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying, harassing and discrimination shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

All complainants, victims, witnesses and/or any individuals who initiate, testify, participate or assist in the investigation of a complaint of discrimination such as harassment, hazing and bullying in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Administrators will monitor participants in investigations to ensure that the behavior has ceased, no retaliation has occurred and support or counseling has been afforded to the involved individuals, as needed.

Dissemination, Monitoring Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, and posted on the District's website and shall be otherwise disseminated in accordance with law. A bullying, harassing and discrimination complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The building principals shall provide a report at least once during the school year on data and trends related to harassment, bullying, and discrimination to the Superintendent of Schools. The District shall report material incidents of bullying, harassment and discrimination of students to the Board of Education and to the Department of Education, as mandated by the Regulations of the Commissioner of Education, but in no case less than on an annual basis.

The District will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
5020.1 Sexual Harassment of Students
4321.12, Physical Restraint of Students, Staff Members
5300, Code of Conduct
5710, Violent and Disruptive Incident Reporting
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §§10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*

Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*

Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*

Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*

Adoption date:

February 16, 2011

Amended: June 20, 2012; June 18, 2013

Reviewed: June 18, 2014, June 17, 2015

**STUDENT BULLYING, HARASSMENT AND/OR DISCRIMINATION PREVENTION
AND INTERVENTION REGULATION**

The Board condemns and strictly prohibits all forms of discrimination and harassment, including but not limited to, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Definitions

Harassment and Bullying

The Dignity for All Students Act (§§10-18 of Education Law) defines harassment and bullying as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and 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 shall include, but not be limited to, those acts based on a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
 - o Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

- o Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

Cyberbullying

The Dignity for All Students Act (§§10-18 of Education Law) defines cyberbullying as harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under Harassment and Bullying as defined above).

Hazing

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the District’s effort to address bullying, harassment and discrimination. The components of such an effort may involve the following:

- Gathering information about bullying, harassment or discrimination at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying, harassment or discrimination consistent with the District’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying, harassment or discrimination.

- Raising awareness among adults, through training, of the school experiences of marginalized student populations, social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, discrimination, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, to address the underlying causes and impact of bullying, harassment or discrimination.

Role of the Dignity Act Coordinator (DAC)

The Board of Education will annually designate at least one staff member at every school building, who has been thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the DAC. The DAC will be responsible for coordinating and implementing this policy and regulation in each school building.

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying, harassment or discrimination report such behavior immediately to the principal, or the principal's designee promptly after the incident so that it may be effectively investigated and resolved.

School personnel who observe any incidents of student-to-student and/or staff-to-student bullying, harassment and/or discrimination, or receive a verbal or written report of such harassment, bullying and/or discrimination, are required to promptly verbally notify their building principal or other administrator who supervises their employment within one school day after they witness or receive a report of harassment, bullying and/or discrimination. Such school personnel are also required to file a written report with their building principal or other administrator who supervises their employment within two school days after making such verbal report.

In order to assist investigators, individuals should document the bullying, harassment or discrimination as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

The District will make a bullying, harassment and discrimination complaint form available on its website to facilitate reporting. The District will collect relevant data from written and verbal complaints to allow reporting to the Superintendent of Schools and the Board of Education on an annual basis.

An administrator at each building will be designated who will promptly investigate all complaints, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the District finds that a student, or employee has violated this policy, prompt corrective and possible disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, District policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent of Schools in accordance with the process described below.

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to bullying, harassment or discrimination. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation;
4. the District will take strong responsive action if retaliation occurs; and
5. the District's legal ability to effectuate discipline may in some cases be compromised if a witness is unwilling to testify.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the bullying, harassment or discrimination and preventing the bullying, harassment or discrimination of other students.

Investigation and Resolution Procedure

A. Procedure Building-Level

Whenever a complaint of bullying, harassment or discrimination is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the administrator should make all reasonable efforts to resolve complaints at the school level. The goal of the procedure is to end the bullying, harassment or discrimination and to, prevent future incidents, ensure the safety of the target, and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three working days following receipt of a complaint, the administrator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities, if any, as well as potential disciplinary consequences.
- Inform all involved that acts of retaliation shall not be tolerated and shall serve as the basis for discipline if found to have occurred.
 - Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the victim;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement or state law.

The administrator shall report back to both the victim and the accused, within two weeks, notifying them regarding the outcome of the investigation (i.e., whether the reported incident(s) was determined to be founded or unfounded). Pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 USC §1232g et seq.), the specific action taken to resolve the complaint will not be disclosed. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation, and the action taken to resolve the complaint. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, harassment or discrimination, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the administrator has a reasonable suspicion that the alleged bullying, harassment or discrimination incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

If a complaint is made to the Superintendent at the outset or as a result of a building-level investigation, the Superintendent or his/her designee will take steps to ensure an adequate investigation was performed and to take prompt corrective action if in his/her belief it is warranted.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying, harassing or discriminatory behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying, harassment or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including permanent suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying, harassment or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying, harassment and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, that is closely monitored;
- Student counseling; or
- Parent conferences.

Beyond these individual-focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment and discrimination. Environmental remediation strategies may include, but is are not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;

- Targeted use of monitors;
- Staff professional development;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Policy Dissemination/Training

All students and employees shall be informed of this policy on the District website and in student registration materials, and it shall be otherwise disseminated in accordance with law.

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying, harassment and discrimination on the victim and bystanders.

Each DAC, administrative employees, and instructional and non-instructional school staff, should receive training to support implementation of this policy, regulation and on related legal developments.

Adoption date:

February 16, 2011

Amended: June 20, 2012; June 18, 2013, June 17, 2015

Reviewed: June 18, 2014,

BULLYING, HARASSMENT AND/OR DISCRIMINATION COMPLAINT FORM

The purpose of this form is to inform the District of an incident or series of incidents of bullying, harassment and/or discrimination so we can investigate and take appropriate steps. If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with (insert name _____) by either visiting room ____ or calling _____ as soon as possible so we can address your concerns.

Student Name: _____ Student ID: _____

Grade: _____ School: _____

Describe the incident(s). Please include when and where it happened.

List the name(s) of the individual(s) accused of bullying, harassment and/or discrimination.

Were there any witnesses? ___Yes ___No If yes, please list the names of the individual(s).

I certify that all statements on this form are accurate and true to the best of my knowledge.

Signature

Date

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.). Return this form to: *Building Dignity Act Coordinator (DAC)*

Note on confidentiality:

In order to investigate the complaint, the District will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.