

**RULES AND REGULATIONS FOR INTERVENTION AND THE PREVENTION OF INSTANCES OF DISCRIMINATION, AND/OR STUDENT HARASSMENT**

The Board is committed to providing a safe, positive and supportive school environment, which prohibits all forms of discrimination, and/or harassment on school grounds and at all school-sponsored activities, programs and events. The Board further prohibits all forms of discrimination and/or harassment that occur off school grounds, when such acts create a hostile environment for the victim at school, infringe upon the rights of a victim at school or materially and substantially disrupt the educational process or the orderly operations of any school.

This Regulation establishes the District's protocol(s) for preventing and intervening in instances of discrimination and/or harassment in accordance with the Dignity for All Students Act.

- I. Education and Prevention/Dignity Act Coordinator**
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**I. Education and Prevention/Dignity Act Coordinator**

Education is the cornerstone of the District's effort to prevent, and when necessary, to intervene in incidents of discrimination, and/or harassment. To this end, the Board will annually appoint an appropriately trained staff member in each building to serve as the **Dignity Act Coordinator**, who shall be responsible for the management of building level initiatives pursuant to the Dignity for All Students Act Policy (0116) to include:

- Establishment of clearly communicated school-wide and classroom rules concerning discrimination and/or harassment, which are consistent with the District's Code of Conduct.
- Identification of the early warning signs and precursor behaviors that may lead to discrimination and/or harassment.
- Gathering information/data concerning incidents of discrimination and/or harassment in the schools and analyzing and using this data to assist in decision-making about programming and resource allocation.
- Training adults in the school community to respond sensitively and consistently to discrimination and/or harassment.

- Raising parental awareness and involvement in prevention and intervention of discrimination and/or harassment.

## **II. Reporting and Investigation of Incidents of Discrimination and/or Harassment**

Any student who believes that he or she has been the victim of discrimination and/or harassment **or** any student who has knowledge of any other student that has been the victim of discrimination and/or harassment must immediately report such conduct to the Dignity Act Coordinator, Assistant Principal, Teacher on Special Assignment, teacher or other staff member. Incidents of discrimination, and/or harassment that are either reported to or witnessed by any District staff member must be referred to the **Dignity Act Coordinator** in the respective school building as soon as possible after the incident. In the event the Dignity Act Coordinator is unavailable or cannot be located promptly, such reports shall be filed with the Building level administrator. If the Building level Administrator is not available then follow up with a District level Administrator who shall be responsible for ensuring delivery to the Dignity Act Coordinator. All such reports shall be made on a District-developed form (attached).

In the event that circumstances prevent the use of the District-developed form, the staff member's report shall include (at a minimum): the nature of the incident(s); dates, times, places it occurred; name of the victim(s) and the accused; names of witnesses to the incident(s).

If, after appropriate investigation (as set forth below), the District finds that a student, an employee or a third party has engaged in discrimination, and/or harassment, prompt corrective action, which may include discipline, will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, District policy(ies) and state law/Regulation(s). If the reported behavior is specifically governed by a separate District Policy/Regulation, the procedures set forth in those Policy(ies)/Regulation(s) shall be followed; otherwise, the following procedure shall be followed.

### **III. Investigation and Resolution Procedures**

#### **A. Initial (Building-level) Procedure**

Whenever a report of discrimination and/or harassment is received by the Dignity Act Coordinator, an investigation will be promptly conducted, as set forth in more detail below. The **Dignity Act Coordinator** shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the discrimination and/or harassment, prevent future incidents, ensure the safety of the victim and promptly and equitably resolve the complaint.

As soon as possible, but no later three (3) work days following receipt of a report, the **Dignity Act Coordinator** should initiate an investigation of the report.

This investigation will include:

- Reviewing any written documentation provided by the reporter.
- Conducting separate interviews of the victim(s), alleged accused, and witnesses, if any, and documenting the conversations.
- Notifying the alleged accused that if objectionable behavior has occurred, it must cease immediately. The individual(s) will also be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether any accommodations need to be made to resolve the matter.

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(s) and/or meeting(s) 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.

Legal guardian(s) of involved parties; as appropriate shall be notified within one (1) school day.

If applicable, appropriate disciplinary action shall be recommended and imposed in accordance with the District's Code of Conduct, District Policy(ies), the applicable collective bargaining agreement and/or state law/Regulations. However, the Dignity Act Coordinator should attempt to resolve the misconduct through non-punitive measures, if appropriate.

The Dignity Act Coordinator shall reconvene meetings with the involved parties, within *5 school days* of completing the investigation to notify them as appropriate, regarding the outcome of the investigation. The investigation will be documented per the requirements of the law. The Dignity Act Coordinator shall provide documentation of the outcome to the involved parties in compliance with FERPA. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this Regulation. In the event the objectionable behavior occurs again and/or if the alleged perpetrator retaliates against the victim, the victim shall immediately notify the Dignity Act Coordinator so that appropriate action may be taken.

If a report includes or the investigation results in allegations of a serious nature, the report shall be referred promptly to the Superintendent of Schools. In addition, where the **Dignity Act Coordinator** has a reasonable suspicion that the alleged incident involves criminal activity, he/she shall immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by filing a written complaint with the Superintendent of Schools within thirty (30) calendar days from receipt of the Dignity Act Coordinator's written decision.

#### **B. District-level Procedure**

The Superintendent or his/her designee shall promptly review the written record and equitably resolve all discrimination and/or harassment complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to the School District attorney for appropriate processing.

The District level review should begin as soon as possible *but not later than three (3) working days* following receipt of the complaint by the Superintendent or Board President.

No later than thirty (30) calendar days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the School District attorney) will provide documentation to the involved parties in compliance with FERPA. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or investigator will provide all parties with a written status report within thirty (30) days following receipt of the complaint, which shall set forth the reason for the delay and the anticipated duration of time needed to complete the investigation and/or take appropriate action.

#### **C. Appeal Procedure**

Any party who is not satisfied with the outcome of the District-level investigation may appeal to the Board of Education in writing to the Board President within thirty (30) calendar days of receiving the District-level decision.

#### **D. Board-level Procedure**

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the matter to the President of the Board.

The District Clerk shall notify the complainant of the date on which the Board will review the matter in executive session.

The Board shall inform the complainant in writing of the Board's determination of whether to grant or deny the appeal. Such notice shall be provided no later than five (5) business days after the matter has been reviewed in executive session.

The District shall retain all documentation associated with complaints and investigations in accordance with Schedule ED-1. The District shall report all

material incidents of bullying, discrimination and/or harassment of students to the State Department of Education as mandated by the Regulations of the New York State Commissioner of Education, but in no case less than on an annual basis.

#### **IV. Confidentiality**

The District endeavors to respect the privacy of all parties and witnesses to discrimination and/or harassment. 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, except on a “need to know” basis to those individuals who are deemed by the District to be informed of such information. However, because an individual's desire for confidentiality must be balanced with the District's legal obligations to ensure the safety, health and welfare of its students and to provide due process to the offending party(ies) it may become necessary for the District to disclose the identity of the parties and witnesses. The Dignity Act Coordinator or appointed investigator will discuss confidentiality standards and concerns with all individuals who are interviewed during the investigation.

If a complainant demands that his/her name not be revealed to the individual(s) against whom a complaint is filed, the investigator shall inform the complainant that:

1. their request may limit the District's ability to appropriately address his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses (outlined below);
3. the District will take reasonable measures to prevent any retaliation; and
4. the District will take firm responsive action if retaliation occurs.

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 in a confidential manner, as long as doing so does not preclude the District from appropriately responding to the incident(s) of discrimination and/or harassment including, but not limited to preventing discrimination and/or harassment of other students.

#### **V. Prohibition of Retaliation**

Any act of retaliation against any person who speaks out against discriminatory and/or harassing behavior, or who has filed a complaint, has testified, assisted, or participated in any manner in any investigation, proceeding, or hearing involving bullying, discrimination and/or harassment is strictly prohibited and illegal, and therefore will be subject to disciplinary action.

## **VI. Remediation/Discipline/Penalties**

Any individual who engages in discrimination and/or harassment will be subject to appropriate action, which may include disciplinary consequences. Remedial responses to such conduct include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act.

## **VII. Policy Dissemination and Training**

The Dignity Act Coordinator in each building shall be responsible for informing students and staff on an annual basis of the terms of the District's Dignity for All Students Policy (0116) and this implementing Regulation.

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