

APPENDIX B
Policy 3107.9 – DASA Bullying Prevention and Intervention

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, hazing and bullying is detrimental to students' learning and achievement as well as the work environment of district employees. Such behavior interferes with the mission of the district to maintain a civil and respectful school environment. It disrupts the operation of the schools, affecting not only the students who are its targets, as well as district employees, but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of harassment, hazing and bullying on school grounds (including but not limited to offices, classrooms, playgrounds, cafeterias, etc), school buses, and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, as such behavior materially and substantially disrupts the educational process and working environment of the school, and may impinge on the rights of others. The Board recognizes that bullies can be both children and adults; and expects that all youngsters, employees, and other adults adhere to all district policies, including the Bullying Prevention and Intervention Policy.

Definitions

For purposes of this policy, the term “harassment” is defined as the creation of a hostile environment by either physical conduct, verbal threats, or acts of intimidation or abuse; any of which have or may have the effect of unreasonably and substantially interfering with a student’s educational (or employee's work) performance, opportunities or benefits, or mental, emotional or physical well-being. Harassment is also defined as verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause an individual social/emotional embarrassment and exclusion or to fear for his or her physical safety. The harassing behavior(s) may be spontaneous, occasional, persistent and or premeditated, and may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability (physical/medical/psychiatric) sex, sexual orientation, gender (the manner in which sexual identity is expressed) or socioeconomic status.

For the purposes of this policy, “hazing” is defined as any activity that is abusive and may be intimidating and is directed at someone seeking acceptance from or wanting to join a group (club, team, gang, etc.), such behavior intended to humiliate, degrade, or represent a risk of emotional and/or physical harm, regardless of the person’s willingness to participate in the activity. Hazing may consist of overt aggressive/violent tactics or subtle/treacherous tactics that are concealed to all except the targeted individual.

For the purposes of this policy, “bullying” (which is subsumed under the term “harassment”), is understood to be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is characterized by one or more of the following:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or may derive satisfaction or pleasure from the activity.
3. **Threat of further aggression** - the bully and/or the target has reason to believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- **Verbal bullying** includes (but is not limited to) name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, cyber-bullying, spreading rumors, racist slurs, threatening electronic communications and, persistent notes that are signed or anonymous, etc.
Physical bullying includes (but is not limited to) poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, threatening gestures, threatening to or actually using inanimate objects (e.g. pen, ball, towel, etc.) to strike another person.
- **Social or relational bullying** includes (but is not limited to) excluding someone from a group, isolating, shunning, spreading rumors or gossiping (including cyber bullying), arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks and,, aggressive stares, etc.

In some instances, bullying, hazing or harassment may constitute a violation of an individual’s civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy, 0100, Equal Opportunity and Nondiscrimination and 0110, Sexual Harassment.

In the remainder of this policy and associated regulation the term “bullying” will be used to collectively refer to bullying, harassing, hazing or hazing behaviors because that is the term most commonly used by students and parents.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff members and parents, that cooperation with and respect for others are key values. A program geared towards prevention is designed to not only decrease incidents of bullying, but to help students and district employees build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Students and district staff will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The components of such an effort include the following:

- Learning about, identifying, and monitoring, the early warning signs that may lead to bullying (isolating, shunning, excluding, posturing, etc.).
- Gathering information (through conversation and discussion) about bullying at school directly from students.
- Establishing clear school-wide and classroom rules about bullying.

- Training adults in the school to respond sensitively and consistently to students' needs, concerns, complaints, etc.
- Training adults to encourage students' pro-social behavior.
- Providing adequate adult supervision, particularly with respect to becoming aware of indications pertaining to relational aggression, silent intimidation strategies, reluctance to participate, and warning signs such as withdrawal in less structured areas such as in the hallways, cafeteria, playground, and athletic fields.
- Raising parental awareness and involvement in addressing bullying problems by distribution of this policy, dissemination of such information at PTA meetings, Board of Education meetings, Site-based meetings as well as invitations to school meetings (Back-to-School Nights, special events, etc.).
- Providing instruction to students and employees in civility, citizenship and character education that emphasizes tolerance and respect for others through special assemblies, class and school rules, classroom curriculum, etc.
- Providing positive feedback concerning students' pro-social behavior e.g., character-grams, post cards, section sheet, etc and other communications from teachers to parents.

In order to implement this program the Superintendent will call upon the Behavior/Instructional Support Team (BIST) of each school to act as the Building Level Bully Prevention Team. The BIST shall consist of the Principal, School Psychologist, Nurse, Social Worker/Guidance Counselor, one Special Education Teacher, and one General Education Teacher. Where practicable, the Principal or District level administrator may include additional special education teachers and general education teachers to ensure that each grade level may be represented in each building. The two Behavior/Instructional Support Teams will serve as members of the district-wide Task Force on Bullying Prevention. The district-wide Task Force will develop, implement, and monitor specific procedures regarding the early identification of bullying, preventive strategies, and positive behavior/relationship-building group activities for implementation each year. In addition, the anti-bullying program will include reporting, investigating, remedying and tracking allegations of bullying in the student data management program. The Task Force will meet at least twice annually, more often as is needed.

Pro-Social Programs

Social and Emotional Development and Learning (SEDL) Guidelines, provided by the NYS Board of Regents, offer school districts compelling information, example and evidence of SEDL used in elementary and secondary school education programs. The district will use this guidance document to address child and adolescent *affective development*. SEDL programs and positive behavior intervention strategies (PBIS) that promote pro-social interactions between and among students result in greater social skills, less emotional stress, better attitudes, fewer conduct problems such as bullying and suspensions, and more frequent positive behaviors such as cooperation and help for other students. Moreover, they also promote improvement in students' grades and standardized-test scores (see *The Inner Wealth Initiative* by Tom Grove and Howard Glasser (2007) and "Study Finds Social-Skills Teaching Boosts Academics" in *Ed Week* by Sarah Sparks (Feb 4, 2011) among others). The District focuses on the integration of SEDL and PBIS into school activities to create a social and cultural environment that encourages positive behaviors and interactions. The following is a sample of SEDL and PBIS used in the Island Park Schools to educate students and incentivize positive behavior. Note, however, that not all tools listed below are used at all times:

- Second Step
- SCOPE Project SAVE Workshops
- Technology Use and Abuse Programs (e.g., Internet Safety, Cyber-bullying, Inappropriate Cell Phone Use (Sexting), Avoiding Plagiarism, etc)
- Wellness Programs (Abduction Prevention, Personal Safety, Growing Up Smart, Puberty, etc)
- Guidance Programs (e.g., Lunch Break and Topical Conversations with the Social Worker, Guidance Counselor, or School Psychologist, Faculty Angels, etc)
- Social Studies Lessons (from fiction and non-fiction books with anti-bullying themes)
- Community Building Programs (Community Service, Special Events/Activities, Fundraisers,
- Group Games such as Field Day, Sports Night, House System, etc)
- Career Day
- College Awareness Day/Week
- CHAMP (Conversation, Help, Activity, Movement, Participation) Strategies
- Acts Of Kindness (A-OKs)
- Waste-Free Wednesdays
- Attendance Awards
- National Junior Honor Society
- Principal's Recognition

The District plans, organizes, and implements these and other pro-social programs and strategies through its Comprehensive Guidance Plan (K-8).

Intervention

Intervention by adults, including those who are bystanders, is an important step in preventing escalation and resolving issues at the earliest stages of bullying. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the target/victim. Faculty and staff members are expected to actively implement preventive measures by developing engaging pro-social interactions between and among students, as well as by actively “stepping-in” to mediate student issues and to call parents. Where necessary, faculty and staff members should document student issues and then coordinate with school administrators and professional resources for assistance (guidance counselor, social worker, school psychologist, etc.).

Training and Liaison

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The District's Professional Development Team will incorporate training to support this program in the annual professional development plan, as needed. Where necessary faculty and staff members will document student issues and then coordinate with designated school resources for assistance. Training opportunities will be provided for all faculty and staff members, including but not limited to administrators, teachers, teaching assistants, school monitors, cafeteria and hall monitors, one-to-one monitors and others who have contact with students. In accordance with state law, the Superintendent shall ensure that at least one staff member e.g. (school psychologist) 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. The school psychologist

in each building will serve as the building's Dignity for All Students Act (DASA) liaison.

Reporting and Investigation

Students who have been allegedly bullied, parents whose children have been allegedly bullied, or other students who observe what appears to be bullying behavior should make a verbal and/or written complaint (using the District's Incident Report form) to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator. At all times, complaints will be documented, tracked in the student management system, and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, district policy 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, and the district's Code of Conduct. Employees who have been allegedly bullied should notify an administrator or the Title IX Officer. All confirmed bully incidents involving students will be included in the Violent and Disruptive Incident Reporting (VADIR) system, when applicable, as required by NYSED.

Students who believe they have been bullied should report the incident to a trusted adult (teacher, monitor, school psychologist, guidance counselor, social worker, etc.). The student may provide a written complaint. The adult should speak to the student in order to obtain clarification with respect to the incident. If a minor infraction has occurred and it does not reach the level of the definition for harassment, hazing, or bullying the adult will address the matter on an individual basis. If the incident rises to the level of a bullying matter, the adult will intervene and, in consultation with the principal assign consequences. The adult will be responsible for completing an Incident Report form and calling the parents of all the students involved.

Disciplinary Consequences

While the focus of this policy is on prevention by developing pro-social behaviors and positive relationships with adults and peers, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and their bullying behavior must immediately end. Offenders will receive in-school guidance in making pro-social 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 (see NYSED Violence and Disruptive Incident Report-VADIR), law enforcement will be contacted by the Principal or a district-level Administrator in collaboration with the Superintendent.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint 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.

Dissemination, Monitoring, and Review

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website.

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 their consideration.

In addition, the Board will receive the annual VADIR data report for each building and for the district as a whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

(See Regulation #3107.9)

Adoption: February 27, 2012

REGULATION

RE: POLICY #3107.9

STUDENT BULLYING PREVENTION AND INTERVENTION REGULATION

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all alleged victims and persons with knowledge of alleged bullying report such behavior immediately to a district employee as soon as possible after the incident so that it may be effectively investigated and resolved or referred to the building principal. The district will promptly investigate all complaints, 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.

In order to assist investigators, individuals should document the alleged harassment, hazing or bullying 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 alleged perpetrator(s); witnesses to the incident(s); and the alleged victim's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective 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 either policy 0100 or 0110 will be followed, as is applicable.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. 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 thorough investigation, or to take necessary action to resolve the complaint, the district retains the right, and in some cases may be legally obligated, 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, witnesses and alleged perpetrators.

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, state law and federal 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*
- 5. The district is obligated to comply with legal orders (e.g., subpoena) requesting the identities of all parties to a specific act or acts (including alleged victims, perpetrators and witnesses).*

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 or preventing the bullying of other students. In addition, confidentiality is not ensured where law requires the reporting of significant danger or harm (physical or emotional) of a student or where otherwise required as indicated in #5 above.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying 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 district employee and appropriate building administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible following receipt of a complaint not resolved with equitable resolution as stated above, the Principal should begin an investigation of the complaint by:

- Reviewing any written documentation provided by students, faculty/staff members, etc.*
- Conducting separate interviews of the alleged 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 and that the individual may be subject to disciplinary*

consequences as per the district Code of Conduct.

Parents of alleged 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 stating that the alleged behavior must stop;*
- b. suggesting skill building activities and other tasks designed to promote appropriate social behavior.*
- c. conducting training for personnel involved in the incident, calling attention to the consequences of engaging in prohibited behavior;*
- d. requesting a letter of apology from the alleged perpetrator to the alleged victim;*
- e. writing letters of caution or reprimand; and/or*
- f. separating the parties, where practicable.*

If the Principal determines that an incident of bullying did occur, appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement and/ or state law. Appropriate support shall also be recommended for any student(s) subjected to bullying, hazing or harassment.

The Principal shall report back to both the victim and the accused, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim and/or victim's parents of the victim shall immediately report any continuance of the bullying behavior as well as report any actual or perceived acts of retaliation by the perpetrator against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, the complaint shall be referred by the Principal promptly to the Superintendent. In addition, where the Principal and/or the Building Level Committee has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the investigation and final disposition by the Principal and/or the Building Level Committee may request a district-level review by submitting a written complaint to the Superintendent within 30 days of the final disposition..

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a Principal and/or the Building Level Committee. 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 an appropriate individual for investigation.

*The district level investigation should begin as soon as possible **but no later than three school days** following receipt of the written complaint by the Superintendent or Board President.*

In conducting the formal district level investigation, the district will confer with the Principal and Professional Support Personnel who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

No later than 30 school days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Retaliation Prohibited

Any act of retaliation against any person who acts in good faith to prevent bullying behavior, or who has filed a complaint, is prohibited 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 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 suspension from school (student) or termination of district employment (employee).

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying will be subject to appropriate disciplinary action. 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 of employment with the district, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

If the behavior rises to the level of criminal activity, (see NYSED Violence and Disruptive Incident Report-VADIR) law enforcement will be contacted by the Principal or a District-Level Administrator in collaboration with the Superintendent.

Training

All students and employees shall be informed of this policy in student and employee handbooks,

on the district website and in student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

At least one staff member at each school shall be 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.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulatory changes/requirements, and related legal developments.

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 the impact of bullying on victims and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan and in curriculum development. These needs will also be considered in the district's annual budget development process.