

## 0115 STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality in accordance with the Dignity for All Students Act (DASA). 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 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 on school grounds, school buses and at all school-sponsored activities, programs and events as described in this policy. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which 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.

### **Definitions**

**Bullying** -- Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

**Cyberbullying** -- Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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.

**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.

**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.

**Harassment** -- 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (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.

**Student** -- This policy applies to students currently enrolled.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would be reasonably expected to cause a student to fear for his or her physical safety.

The discriminating behavior or harassing behavior may be based on any characteristic, including but not limited to 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)
- socio-economic status.

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

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

### **Prevention**

In order to implement this program the Board will designate at its annual organizational meeting a Dignity for All Students (DASA) Coordinator for each school in the district. One of the DASA coordinators will be designated as the district-wide coordinator. The role of each DASA coordinator is to oversee and enforce this policy.

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, but to help students build more supportive relationships with one another by integrating the bullying 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, 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 involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information 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 bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

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

## **Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DASA Coordinator 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. Vendor employees (e.g.: cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA coordinators will be thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, sex and gender (including gender identity and expression)

## **Incident Reporting and Investigation**

Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy. Where the nature of the bullying or harassment also warrants investigation under another District Policy that addresses wrongful discriminatory practices (e.g. Title VI CRA, Title IX ESEA, Section 504 RA/Title II ADA, Disability Discrimination), there shall be coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the building principal or the building DASA coordinator. If either of the parties disagrees with the results of the investigation, they can appeal the findings to the Superintendent within 30 calendar days of receipt of the findings. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building DASA Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency, immediately notify the Superintendent of Schools, and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. 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.

## **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 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 federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong 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 consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

## **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, acts of bullying 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 that is measured, balanced and age-appropriate 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 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. The District shall ensure the safety of the student or students against whom such harassment, bullying (including cyberbullying) was directed and take reasonable measures to prevent recurrence of the offending behavior.

## **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. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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

Adoption date: July 2, 2013 Revised date: April 18, 2017

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### **Cross-ref:**

[0100](#), Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

[4321](#), Programs for Students with Disabilities

[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.

[Executive Law §290](#) et seq. (New York State Human Rights Law)

[Education Law §§313\(3\)](#), [3201](#), [3201-a](#)

[8 NYCRR 100.2\(c\)](#), (l), (jj), (kk); [119.6](#)

[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)

*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)

*Pollnow v. Glennon*, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496

[Davis v. Monroe County Board of Education](#), 526 U.S. 629 (1999)

[Gebser v. Lago Vista Independent School District](#), 524 U.S. 274 (1998)

[Faragher v. City of Boca Raton](#), 524 U.S. 775 (1998)

[Burlington Industries v. Ellerth](#), 524 U.S. 742 (1998)

[Oncale v. Sundowner Offshore Services, Inc.](#), 523 U.S. 75 (1998)

[Franklin v. Gwinnett County Public Schools](#), 503 U.S. 60 (1992)

[Meritor Savings Bank, FSB v. Vinson](#), 477 U.S. 57 (1986)

*Appeal of K.S.* 43 Ed. Dept. Rep. 492

*Appeal of Ravick* 40 Ed. Dept. Rep. 262

*Appeal of Orman 39 Ed. Dept. Rep. 811*

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