

STUDENT HARASSMENT AND 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 discrimination, such as harassment, hazing and bullying, is detrimental to student learning and achievement. These behaviors undermine the sense of safety, support, and community in the school environment and interfere with the mission of the District to educate students..

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying. All forms of discrimination are prohibited, whether on school grounds, school buses, school-sponsored activities, or through electronic communications (e.g. text message, social media, email).

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds that interferes with the educational process or impinges on the rights of other students are prohibited. These types of discrimination/bullying incidents will be subject to the same disciplinary interventions as similar incidents occurring on school property.

This policy is governed by the New York State *Dignity for All Students Act* and related regulations of the New York State Commissioner of Education. The *Dignity for All Students Act* was created to provide an environment free of discrimination and harassment for all students attending public schools. Students' ability to learn is jeopardized when they are subjected to discrimination or harassment, including bullying, taunting, or intimidation. Additional information about the *Dignity for All Students Act* can be found at: www.p12.nysed.gov/dignityact.

Definitions

Bullying: Although bullying is usually subsumed under the term “harassment”, further definition is needed to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law.

Bullying is a hostile activity that harms or induces fear through the threat of further aggression. Bullying includes a range of behaviors, such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Cyberbullying: Harassment or bullying of a District student through any form of electronic communication (e.g. text message, social media, email), device or interface. Cyberbullying may occur on or off of school property, but has the effect of creating a hostile school environment that:

- interferes with a student's educational performance, opportunities or benefits;
- jeopardizes a student's mental, emotional, or physical well-being;
- causes a student to fear for their physical safety; or
- leads to physical injury or emotional harm to a student.

Discrimination: Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities to an individual or group of people because of the group, class or category to which they belong (as enumerated in the *Definitions* section, under “Harassment”).

Hazing: Hazing is an induction, initiation or membership process involving harassment. With hazing, the harassment creates a situation likely to result in public humiliation, physical or emotional discomfort, bodily injury or public ridicule.

Harassment: Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board’s goal is to prevent these behaviors from escalating to limit liability and to promote a positive school environment.

The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment through action or through verbal threats, intimidation or abuse that:

- Unreasonably and substantially interferes with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or
- Causes or would reasonably be expected to cause a student to fear for their physical safety.

The harassing behavior may be based on any characteristic, including 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).

In some instances, bullying 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 regarding civil rights protections.

Prevention

The school setting provides an opportunity to teach children and emphasize among staff that cooperation 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. Through District-wide professional development and instruction, staff members and students will be sensitized to the warning signs of bullying and to their responsibility to become actively involved in preventing bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment, and promotes civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

A critical aspect of prevention is promoting student engagement in the school community. To this end, students should be given multiple opportunities to participate in a wide range of pro-social activities, assume responsibility and leadership in setting the tone for their school, and bond with caring, supportive adults. These elements of student engagement are essential in creating a school climate that will help prevent negative behaviors, foster students' academic and social/emotional growth, and provide vibrant learning opportunities for all.

Prevention strategies that are integrated into the curriculum and into daily classroom activities support and reinforce relationships, strengthen social and emotional skills, and foster development of self-regulation and a positive mindset, which form the foundation for a positive culture and community and establish the framework for discipline.

Each school will designate a ***Dignity Act Coordinator (DAC)*** who has been thoroughly trained in human relations in the areas of race, color, weight/appearance, predisposing genetic characteristics, creed, national origin, ethnic group, ancestry, citizenship status, religion, religious practice, gender (including gender identity and expression), sexual orientation, age, marital status, political affiliation and disability, and will be accountable for implementation of this policy. The role of the DAC is to coordinate and enforce this policy.

Students will be informed about the principles contained in this policy, their rights, and the protections provided by this policy in a manner that is readily comprehensible to them.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving bullying and harassment issues at the earliest stages. Intervention will emphasize education, skill-building, promoting understanding, and enhancing relationships in accordance with the restorative practices described in the *Code of Conduct* (1400). Disciplinary responses to bullying or harassment shall abide by the principles described in the *Code of Conduct*, utilizing a progressive discipline approach. This approach is fundamentally based on teaching students to help them understand the harm that their behavior has caused, take responsibility for their actions, and ultimately to repair the harm that has been done to rebuild relationships and learn pro-social strategies and skills that can be used in the future. Progressive discipline also involves using supportive guidance interventions over punitive, exclusionary measures to the maximum extent possible. Generally, smaller interventions are used, and more intensive measures are introduced only if smaller interventions have been unsuccessful.

Intervention will focus on the safety of the student(s) who have been targeted. When staff become aware of bullying or harassment, they are expected to refer the student to designated resources for assistance, or

to intervene in accordance with this policy and regulation. Staff are also to consider the factors that contributed to the problem behavior and refer to the matrix, “Levels of Intervention and Disciplinary Responses” outlined in the *Code of Conduct* (1400) in determining their response to the situation.

Provisions for students who do not feel safe at school

The Board acknowledges that a specific coordinated approach may be needed 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. When staff become aware of bullying or harassment, they should notify the building principal and determine if accommodations are needed to help ensure the safety of the student. The building principal, other appropriate staff members, the student and the student’s parent will work together to define and implement any needed accommodations.

The District recognizes that a balance must be struck between the need for accommodations to enhance student safety and avoiding further stigmatizing the student who has been targeted. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the student who has been targeted. As needed, follow-up discussion and/or meetings will be scheduled to ensure that safety concerns have been adequately addressed and to determine when and if the accommodations need to be changed or discontinued.

Training

The Board recognizes that professional development is needed in order to implement an effective bullying prevention and intervention program. The Superintendent and the District professional development team will incorporate training to support this program in new teacher orientation and in the annual professional development plan, as needed. Training opportunities will be provided for all staff who have contact with students, including bus drivers, cafeteria and hall monitors.

Reporting and Investigation

Although it can be difficult to step forward, the District can’t effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff 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 in this policy and the accompanying regulation.

Complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, the *District Policy Prohibiting Harassment and/or Discrimination against Students and Employees* (0100), and the District’s *Code of Conduct* (1400). 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., with reports provided to the Board on a quarterly basis. The report will contain data of the number of bullying/harassment incidents district-wide and for each school, disaggregated by student subgroup and type of bullying/harassment (e.g. physical, verbal, cyberbullying).

It is the duty of all school personnel to report any incidents of student-to-student and staff-to-student bullying or harassment that they observe or that they are made aware of by students. Reports shall be made to the building principal or to their supervisor. Supervisors and building principals will refer the information to appropriate District staff for investigation, as designated in accompanying regulation. A District employee may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the targeted student complains.

The results of the investigation shall be reported to the student(s) who were targeted and the student(s) who were accused, in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, the findings may be appealed in accordance with the regulation that accompanies this policy.

Disciplinary Consequences/Remediation

Although the focus of this policy is on prevention, early intervention in bullying is critical in protecting students and promoting a school environment conducive to learning. After an investigation, student(s) found to have engaged in bullying will be subject to disciplinary consequences in accordance with the *Code of Conduct*, with an emphasis on providing in-school guidance about making positive choices in their relationships with others.

Generally, intervention will be based on teaching students to understand the harm their behavior has caused, take responsibility for their actions, and repair the harm that has been done in an effort to offer opportunities to rebuild relationships and learn positive social strategies and skills for the future. Disciplinary responses to bullying/harassment will be in accordance with the principles outlined in the *Code of Conduct*, and rely on supportive guidance and education as much as possible. Generally, more intensive measures are to be used only if smaller interventions have been unsuccessful. Law enforcement will be contacted only if the behavior rises to the level of criminal activity.

In determining the disciplinary response to an incident involving student bullying/harassment, staff must consider the factors contributing to the problem behavior and refer to the matrix “Levels of Intervention and Disciplinary Responses” in the *Code of Conduct* (1400).

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, Review, and Reporting

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. In addition, the information in this policy shall be adapted for each grade level to ensure that students are aware of expectations, protections, and recourse available in the event of harassment or bullying. A bullying complaint form will be available on the District’s website. The District will ensure that clear explanations are provided to students

regarding this policy, behavioral expectations, protections, and the process of reporting bullying or harassment.

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 consideration.

The Board will receive the annual VADIR report for each building and for the entire District, with particular attention to trends in the incidence of bullying. In addition, a quarterly report will be provided to the Board with detail of the number of bullying or harassment incidents that have occurred and the nature of the incident (i.e. verbal, physical, social, or cyberbullying), disaggregated by school and by student demographic group. Based on review of the data, the Board may consider further action, including additional staff training and modification of this policy.

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: District Policy Prohibiting Harassment and/or Discrimination of Students and Employees (0100)
Student Individualized Education Program (4209)
Code of Conduct (1400)
Code of Ethics (2160)

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
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969) *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)

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