

## **For the Dignity for All Students (DASA)**

The Board of Education is committed to providing an educational and work environment that promotes respect, dignity and equality for all. The Board recognizes that harassment and bullying are detrimental to student learning and achievement. These behaviors both interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behaviors affect not only the students or employees who are its targets, but also those individuals who participate in or witness such acts.

The Board expects students to conduct themselves in an appropriate manner for their respective levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment. The Board believes that the most positive school climate is one which is culturally sensitive and which models positive behavioral interactions that clearly show that there is no tolerance for antisocial behaviors such as bullying, harassment, and discrimination.

To this end, the Board strictly prohibits all forms of harassment by students and/or school employees against students including but not limited to, hazing, bullying, cyber bullying and sexting, which may occur on school grounds, while using school property, or off-campus at school-sponsored events. The Board also strictly prohibits any harassment including hazing, bullying, cyber bullying, and sexting that occurs off-campus and endangers the health and safety of students or staff members, substantially disrupts the educational process, or creates a reasonably foreseeable risk of such a disruption. Conduct which is of such a severe nature that it either has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, is expressly prohibited. If the harassment is of sexual nature, Board Policies ## 6121 and 7551 provides additional information and clarification on student, staff, and the District's responsibilities in this area.

### **Definitions**

The following definitions are provided for guidance only. If a student or other individual believes there has been aggressive behavior by a student or adult that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, regardless of whether it fits a particular definition, he or she should report it and allow the administration to determine the appropriate course of action.

1. **Bullying** is intentional and aggressive behavior that involves an imbalance of power or strength and is usually repeated over time. Bullying may present itself in many forms including but not limited to:

- a. *Physical* - hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, or unwelcome physical contact.
- b. *Verbal (oral or written)* - taunting; malicious teasing; insulting; name calling; sexual, religious, or racial harassment; making threats.
- c. *Electronically transmitted* - defined below under “cyber bullying.”
- d. *Psychological* - spreading rumors, manipulating social relationships, peer pressuring or coercion, engaging in social exclusion/shunning, extortion or intimidation, dehumanizing gestures, or public humiliation.

2. **Cyber Bullying** (also known as “electronic bullying”) is the use of information technology such as the Internet, email, instant messaging services, chat rooms, blogs, cell phones, pagers, PDAs, and gaming systems to deliberately harass, threaten or intimidate others. Cyber bullying may involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person on an Internet site; pretending to be someone else in order to speak harmful untruths about that other person; or intentionally excluding someone from an Internet-based group or activity.

3. **Disability** means: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment. However, for purposes of this Policy, the term Disability must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

4. **Employee** means any person receiving compensation from the District. This term also includes any employee of a contracted service provider or worker placed within a public school in the District under a public assistance employment program pursuant to the Social Services Law (Art. 5, Title 9-B), and consistent with the provisions of such law and any applicable contract, provide services involving direct student contact to such District, its students or employees.

**5. Gender** means actual or perceived sex and includes a person's gender identity or expression.

**6. Harassment** is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, that 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. Harassment also includes conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse includes, but is not limited to, that which is based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, including gender identity and gender expression, or sex.

**7. Hazing** is the intentional or reckless commission of an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization whether school sponsored or not, or for any other purpose.

**8. School Bus** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**9. School Function** means a school sponsored extracurricular event or activity.

**10. School Property** means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus.

**11. Sexting** is the sending, receiving or forwarding of sexually provocative nude or nearly nude photos or messages through text message, email, or another method of information technology as described above under "cyber bullying," which can be used to hurt, harass and humiliate others.

**12. Sexual Orientation** means actual or perceived heterosexuality, homosexuality or bisexuality.

## **Reporting**

In order to effectively enforce this policy and take prompt corrective action, the Board encourages all victims and persons with knowledge of any type of harassment to report such behavior immediately to a school administrator, dean, teacher, guidance counselor, psychologist, social worker, nurse, or other appropriate staff member. Reports may be made formally or informally, verbally or in writing. Reports may also be made anonymously; however, before formal disciplinary action may be taken, the District is responsible for verifying the substance of the allegation by conducting an investigation.

State law provides immunity from civil liability for Any person having reasonable cause to suspect that a person has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function, and who reports or otherwise discloses such information in good faith to school officials, the Commissioner of Education or law enforcement authorities. However, any person who knowingly and deliberately makes a false report of harassment pursuant to this Policy shall be subject to appropriate disciplinary action.

## **Retaliation**

Any act of retaliation against any person who opposes bullying or discrimination, 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 sexual harassment 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 or termination.

## **Investigations**

The District will promptly investigate all complaints made pursuant to this Policy in accordance with Regulations developed by the Superintendent consistent with this Policy. Reports filed pursuant to this Policy shall remain confidential to the extent possible in accordance with applicable laws and District policies. However, limited disclosure may be necessary to complete a thorough investigation or take corrective action. If, after appropriate investigation, the District discovers a violation of this Policy, prompt corrective action will be taken in accordance with the District's Code of Conduct and state law.

Consistent with the District's responsibility to investigate reports of harassment, hazing, bullying, or discrimination, the Board permits school and network administrators and their authorized employees to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. Information gathered by these administrators may be used in disciplinary actions, and any evidence of a crime may be furnished to law enforcement.

### **Remedial Measures**

In response to particular incidents, remedial measures may include, but are not limited to: (a) peer support groups; (b) corrective instruction or other relevant learning or service experience; (c) supportive intervention; (d) behavioral assessment or evaluation; (e) behavioral management plans; and/or (f) student counseling and parent conferences.

Generalized remedial measures may include, but are not limited to: (a) supervisory systems that provide District staff members with prevention and intervention tools; (b) school and community surveys or other strategies for determining the conditions contributing to the relevant behavior; (c) use of research based, systemic harassment prevention programs; (d) modification of schedules; (e) adjustment in hallway traffic and other student routes of travel; (f) targeted use of monitors; (g) staff professional development; (h) parent conferences; (i) involvement of parent teacher organizations; and/or (j) peer support groups.

An individual who violates this policy may also be subject to disciplinary action. Disciplinary measures 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 reprimand up to and including termination, 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.

## **Dignity Act Coordinators**

The Board shall arrange for at least one District staff member at every school to be thoroughly trained to manage human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. This staff member shall be known as the ADignity Act Coordinator@ (ADAC@).

## **Responsibilities of Essential Partners**

The Board shall establish training programs for District employees and students to raise awareness of the definitions of harassing behaviors and of the issues surrounding harassment, and to implement preventive measures to help reduce incidents of harassment, hazing, bullying and discrimination.

The Superintendent of Schools shall develop and implement Regulations for reporting, investigating and employing appropriate remedial/ disciplinary measures in response to incidents of harassment, hazing, bullying and discrimination. The Regulations shall also address Parent/Student Notification and Training.

Teachers shall take steps to maintain in their classroom a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning. In addition, teachers shall address any personal biases that may exist which prevent equal treatment of all students in the school or classroom setting.

All District employees shall take steps to confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function. In addition, all District employees shall report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner. All such reports shall be received and reviewed by the District in the manner set forth above.

## **Policy Dissemination**

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. In addition, students will be informed of the policy in the Code of Conduct during the first two weeks of school.

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, regulation and on 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 the victim and bystanders.

**Cross-references:**

13. Sexual Harassment (Policy No. ); District Code of Conduct  
N.Y. Education Law ' ' 10-18 (ADASA@), 2801 and 2802; 8 N.Y.C.R.R.  
' ' 100.2(c), (l) and (gg);
14. N.Y. Penal Law ' ' 120.16-120.17 (hazing); ' 240.25-240.26 (harassment);
15. Morse v. Fredricks, 551 U.S. 127 (2007);
16. Hazelwood Sch. Dist. v. Kuhlmeir, 484 U.S. 260 (1988);
17. Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969);
18. Doninger v. Niehoff, 527 F.3d 41 (2d Cir., 2008);
19. NYSSBA Model Policy No. 0115, AHarassment, Hazing & Bullying@ (2007);
20. SED AGuidance on Bullying and Cyberbullying Prevention@ (2010),  
[www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html);
21. [http://criminaljustice.state.ny.us/missing/i\\_safety/i\\_intro.htm](http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm) (sexting);
22. <http://stopbullyingnow.hrsa.gov/adults/cyber-bullying.aspx>;
23. [www.criminaljustice.ny.gov/missing/i\\_safety/cyberbullying.htm](http://www.criminaljustice.ny.gov/missing/i_safety/cyberbullying.htm).

Adoption date: June 12, 2012

## **“For the Dignity for All Students” Regulations**

### **Confidentiality**

As per District Policy, “For the Dignity of All Students,” reports filed shall remain confidential to the extent possible in accordance with applicable laws and District policies. However, limited disclosure may be necessary to complete a thorough investigation or take corrective action. 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 harassment and discrimination of other students or employees.

### **Investigation and Resolution Procedure**

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

The Principal shall conduct a preliminary review when they receive a verbal or written complaint of discrimination or harassment, or if they observe discrimination or harassment. Except in the case of severe or criminal conduct, the principal should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment 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 Principal should conduct an investigation of the complaint according to the following steps:

- Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
- Review any written documentation of the bullying or discrimination prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and small children who have difficulty writing and need accommodation.
- Interview the alleged perpetrator regarding the complaint and inform the alleged perpetrator that if the objectionable conduct has occurred, it must cease immediately. Provide the alleged perpetrator an opportunity to respond to the charges in writing.
- Warn the alleged perpetrator that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
- Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
- Review all documentation and information relevant to the complaint.
- Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - Discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
  - Suggesting counseling and/or sensitivity training;
  - Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - Requesting a letter of apology to the complainant;
  - Writing letters of caution or reprimand; and/or
  - Separating the parties.
- Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement or state law.
- Submit a copy of all investigation and interview documentation to the Superintendent of Schools.
- Report back to both the victim and the accused, notifying them in writing, and/or in person, as appropriate, regarding the outcome of the investigation and the action(s), if

any, taken to resolve the complaint. Instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying or discrimination, the complaint shall be referred promptly to the Superintendent. In addition, where the building principal or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the appropriate child protection and/or law enforcement agencies.

Any party who is not satisfied with the outcome of the initial investigation by the building principal may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

### **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 building principal. 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 not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals 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 sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 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.

### **Parent/Student Notification**

- Parents of student victims and accused students shall be notified within one school day where allegations are of a serious nature, or involve repeated conduct.

- If either the victim or the accused is a classified student receiving special education services under an IEP or Section 504/American with Disabilities Act accommodations, the Committee on Special Education or 504 Committee, as appropriate, will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.

### **Training**

Training needs in support of the "For the Dignity of All Students" policy in bullying and discrimination prevention and intervention program will be reflected in the District's annual professional development plan, in curriculum and will be considered in the budget process.