

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 they interfere with the mission of the District to educate students.

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

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 or 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 (DASA)* 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.

This policy is also informed by the CROWN Act, which was recently added to DASA and stands for Creating a Respectful and Open World for Natural Hair. The CROWN Act prohibits racial discrimination based on hair texture and protective hairstyles. While DASA already protects the right of all students to learn in schools free of discrimination, harassment, and bullying, it is now clarified that those rights include self-expression through hairstyle. School personnel understand that formal disciplinary action against students based on their natural hair texture and protective hairstyles is prohibited. School personnel understand that, given their inherent position of authority over students, they are responsible for preventing racial discrimination and supporting all students' access to school, participation in activities, and inclusion for opportunities inside and outside of the classroom. The CROWN Act helps to promote school belonging and engagement for all students; reduces disparities in school discipline; increases educational engagement and academic success; and protects students, regardless of gender or gender identity.

Definitions

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

Cyberbullying: Harassment or bullying through any form of electronic communication (e.g., text message, social media, email, etc.), device, platform, or interface. Recordings of students and situations in and out of school that are shared through social platforms and electronic means may also constitute a form of bullying or harassment. Cyberbullying may occur on or off school property and 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

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which they belong to (as enumerated in the definition of 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, unwanted physical or emotional discomfort, bodily injury, or public ridicule.

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

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

- unreasonably and substantially interferes with a student's educational performance, opportunities, 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 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).

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 are key District values. A comprehensive prevention program with approaches including social-emotional learning and restorative practices is designed to decrease incidents of bullying and 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. Staff and students will also be trained in how to respond if they witness or are informed of an incident.

Curricular material that raises awareness of 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. The best SEL approaches guide students toward discovering strategies that work best for them, strategies that are emotion and context-specific, personalized and culturally responsive. This approach also requires unconventional

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flexibility on the part of all educators.

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 prosocial activities, assume responsibility and leadership in setting the tone for their school, and bond with caring and 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 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. The DAC will be accountable for implementation of this policy and will coordinate and enforce this policy.

Students and staff 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 focus on the safety of the student(s) who have been targeted. When staff become aware of bullying or harassment, they are mandated 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 in determining their response to the situation. Additional intervention will also be provided for any bystanders and the individual or group initiating the bullying or harassment.

Intervention will emphasize education, skill building, promoting understanding, and enhancing relationships in accordance with restorative practices. 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 prosocial 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.

Provisions for students who do not feel safe at school

The Board acknowledges that a specific coordinated approach may be needed if a student does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and

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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(s) or guardian(s) will work together to define and implement any needed accommodations.

The District recognizes that a balance must be maintained between the need for accommodations to enhance student safety and the need to avoid further stigmatizing the student who has been targeted. The student, parent or 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 discussions and meetings will be scheduled in a safe space 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 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 and cafeteria and hall monitors.

Reporting and Investigation

Although it can be difficult to step forward, the District cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents or guardians whose children have been bullied, other students, or staff and teachers 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. If a staff person is unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with their supervisor.

Incidents will be included in the [New York State Education Department's \(SED's\) School Safety and the Educational Climate \(SSEC\) Summary Data Collection Form that is a part of SED's implementation of the Dignity for All Students Act \(DASA\) and Violent or Disruptive Incident Reporting \(VADIR\)](#). ~~Violent and Disruptive Incident Reporting (VADIR) system, with Reports~~ ~~Reports~~ provided to the Board on a quarterly basis. The report will contain data of the number of bullying or harassment incidents district-wide and for each school, disaggregated by student subgroup and type of bullying or harassment incident (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 DAC and brought to the building principal's attention as soon as possible. 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

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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 or harassment will be in accordance with the principles outlined in the *Code of Conduct* and will 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.

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. 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 [SSEC Summary Data Collection Form](#) ~~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 (e.g., physical, verbal, 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.

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

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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

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Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
Mahanoy Area School District v. B.L., 594 U.S. ____ (2021)
Pollnow v. Glennon, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496
Zeno v. Pine Plains 702 F3rd 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F3rd 109 (2nd Cir 2012)
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)
Oncala 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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