

DIGNITY FOR ALL STUDENTS ACT

In accordance with the New York State *Dignity for All Students Act* (DASA) legislation, the Board of Education is committed to safeguarding the right of all students to attend a school environment that is free from bullying, harassment, and discrimination whether verbal, physical, electronic or relational. This policy applies to conduct during and related to school, school functions and school sponsored activities, including transportation and the bus stop, which has an impact on the school environment.

Public school staff has a compelling responsibility to provide an environment for learning that actively communicates a stand against bullying, harassment, and discrimination. The District must take specific steps as outlined in this policy to train staff, to communicate to students their right not to be bullied, harassed, or discriminated against and to respond in a timely fashion to reports that impact our students and the school environment.

The Administrative Regulations outline the required activities to support this policy including:

- Communicating the definition of bullying, harassment and discrimination.
- Training of all staff to ensure they understand, recognize and can respond to bullying, harassment and discrimination.
- Delivery of proactive curriculum, assemblies and programs to build students' skills for combating bullying, harassment and discrimination.
- Dissemination of District protocols to respond to reports of bullying, harassment and discrimination.
- Engaging families in understanding bullying, harassment and discrimination and the District initiatives to respond to bullying, harassment and discrimination.
- Identification of building contact personnel and procedures for reporting situations.

DEFINITIONS**Bullying**

Bullying is an unwanted, aggressive behavior among students that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, bullying generally involves the following characteristics:

- An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

- The Intent to Cause Harm: The person bullying has a goal of causing harm.
- Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying may include, but are not limited to:

- Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
- Social: Spreading rumors about someone, excluding others on purpose, and purposefully embarrassing someone in public.
- Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

Bullying includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived:

- race
- color
- weight
- national origin
- ethnic group
- religion
- religious practice
- disability
- sex
- sexual orientation
- gender (which includes a person's actual or perceived sex, as well as gender identity and expression)

Hazing

Hazing is defined as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, i.e. athletic team, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

It is also considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person.

Discrimination

Discrimination means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including but not limited to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Harassment

Harassment is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that is sufficiently severe, pervasive or persistent so as to interfere with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or 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 conduct, verbal threats, intimidation or abuse based on a person's actual or perceived:

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Cyber Bullying

Cyber-bullying includes the repeated use of information technology, including email, instant messages, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others. Examples of cyber-bullying include but are not limited to:

- Sending hurtful, rude, or mean text messages or emails to others.
- Spreading rumors or lies about others by text message or email or posting on social networking sites.
- Creating or sharing pictures, websites, videos or social media profiles, including fake profiles that embarrass, humiliate, or make fun of others.
- Sexting which is sending, receiving or forwarding sexually suggestive nude or nearly nude photographs through text messages or email.

Cyber-bullying that occurs off-campus that causes or threatens to cause a material or substantial disruption in the school, may result in school officials applying the "Tinker standard" whereby a student's off-campus "speech" may be subject to formal disciplinary action by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat within the school setting. Such conduct will be subject to appropriate disciplinary action in accordance with the District's Code of Conduct and possible referral to local law enforcement authorities.

Communication of the Definition of Bullying

Each building will communicate the District definition of bullying in its student handbook commencing with the 2012-13 school year. The definition adopted by the District is from the work of Dr. Olweus and is as follows:

“Bullying is a negative act that is intentional and inflicts injury or discomfort upon another person. Bullying typically involves a pattern of behavior repeated over time and involves an imbalance of power or strength. The student or students who bully mean to harm another student in some way. This could be through physical actions, through words, or indirectly by intentionally excluding the student from a group or activity for example.”

According to the DASA Legislation, acts of bullying, harassment or discrimination may include, but are not limited to, the negative treatment of another student due to:

- Disability
- Weight
- Gender
- Religion
- Race
- Color
- National origin
- Ethnic group
- Religious practice
- Sexual orientation (real or perceived)
- Other differences (real or perceived)

It also includes all forms of hazing and cyber bullying that may have an effect on the school environment.

The staff in each building will work to educate the students in the definition of bullying, harassment and discrimination and the steps they can take to help create a positive learning environment appropriate to the age of its students.

A key principle of DASA relates to material incidents of bullying, harassment and discrimination. Material incidents of bullying, harassment and discrimination include a single incident or a series of related incidents where a student is subjected to bullying, harassment or discrimination by a student or school employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such a severe or pervasive nature that has or would have the effect of unreasonably 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/her physical safety.

Training of the Staff

The District staff will continue to deliver proactive, anti-bullying messages that reflect the principles of the Olweus Bullying Prevention Program, the DASA legislation and best practices in how to create a safe, positive school climate where all students can learn. The purpose of the training is to raise awareness and sensitivity to potential acts of bullying, harassment or discrimination directed at students that are committed by students or school employees on school property or at school functions. Employees will learn to prevent and respond to incidents of bullying, harassment and discrimination.

District Response Protocols

District training will include a review of the policies and procedures outlined in each building's anti-bullying, anti-harassment, and anti-discrimination programs. While each case is unique, the District's expectation is that staff will respond immediately to all instances of bullying, harassment or discrimination in a manner that is consistent with building level protocols. The

basic interventions outlined in the Olweus Bullying Prevention Program that will be followed in instances of bullying and harassment include:

- I. Stop the bullying by intervening on the spot.
- II. Support the student who has been bullied in a way that allows him or her to regain control of his her emotions and to “save face”.
- III. Address the student(s) who bullied by naming the bullying behavior and refer to the four anti-bullying rules.
- IV. Empower bystanders with appreciation or information about how to act in the future.
- V. Impose immediate and appropriate consequences for the student(s) who bullied and, if necessary, complete the appropriate paperwork to document the incident.
- VI. Take steps to make sure the student who was bullied will be protected from future bullying.

Family Engagement and Parental Involvement

Building staff will attempt to educate and involve families in the building policies and requirements of the DASA legislation. Building staff has the responsibility to communicate to families any knowledge of bullying, harassment or discrimination activities involving their children.

Communication with families may be facilitated through:

- PTA programs
- Open House events
- Building newsletters
- Building-wide assemblies
- Individual communication

Building Contact/Support

Each building will use their building level decision-making body to promote the proactive implementation of this policy. The Building Principal will communicate to students the appropriate personnel to whom students can report incidences of bullying and harassment and identify for the parents the liaisons/building contact for harassment and bullying.

Reference: Education Law § 11(7); § 13(3); § 16; § 2801(5); § 3201-a
Penal Law §§ 120.16, 120.17
8 NYCRR 100.2(1)(2)(iii)(a); 8NYCRR 100.2(1)(b)(1)
Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Approved: August 27, 2012

DIGNITY FOR ALL STUDENTS ACT – REGULATION

The Board of Education is committed to providing an educational environment that promotes respect, dignity, and equality. The Board recognizes that acts of bullying, harassment and discrimination 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 its schools. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts.

To this end, the board condemns and strictly prohibits all forms of bullying, harassment and discrimination against students by students and/or employees on school property, which includes school buses, and at school functions, which means school-sponsored, extra-curricular events or activities. Discrimination, bullying and harassment that takes place at locations off school grounds which can be reasonably expected to materially and substantially interfere with the operation of the school or impinge on the rights of other students are prohibited and may be subject to disciplinary consequences pursuant to the District's Code of Conduct.

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PREVENTION

The District shall include instruction for all students that supports the development of a school environment free of bullying, harassment, and discrimination, including but not limited to instruction that raises awareness and sensitivity to bullying, harassment, and discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender (identity or expression), and sex.

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

- Learning about and identifying the early warning signs and precursor behaviors that can lead to bullying, harassment, and discrimination.
- Gathering information about bullying, harassment, and discrimination on school property or at school functions directly from students; analyzing and using this information to assist in decision-making about programming and resource allocation.

- Establishing clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation bullying, harassment, and discrimination through the District's Code of Conduct.
- Training adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation.
- Raising awareness among school staff, through training, of the school experiences of student populations specified in the DASA, including but not limited to: students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to bullying, harassment, and discrimination and/or other forms of anti-social and/or violent behavior.
- Providing supervision in student areas.
- Educating and engaging families in regard to bullying, harassment, and discrimination prevention and intervention.
- Providing examples of positive behaviors that are age appropriate.
- Instituting policies and practices that create a positive school climate.
- Using educational opportunities or curricula, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and effects of bullying, harassment, and discrimination.

In meeting the requirements of DASA, each school building will implement a research-based anti-bullying/character education program. At the High School, the focus on Character Education and the importance of creating a positive school climate will remain. Additionally, at all levels, students will receive direct instruction in civility and the importance of equal and fair treatment of others. The District's Professional Development Committee and Safe Schools Committee will continue to assist the building level administration in developing and implementing bullying prevention programs and character education programs that meet the requirements of DASA legislation.

INTERVENTION

Intervention by adults and bystanders with proper training can be an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. Successful intervention may involve remedial measures that may include, but are not limited to:

- Corrective instruction or other relevant learning or service experiences.
- Restitution and restoration.
- Supportive interventions including re-teaching/teaching social skills.
- Behavior assessment or evaluation.
- Behavioral management plans.
- Student counseling and parent conferences.

Beyond these individual focused remedial responses, school-wide or environmental remediation can be an important tool to prevent bullying, harassment, and discrimination. Environmental remediation strategies may include:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of bullying, harassment, and discrimination.
- Collection of information from students for the purposes of evaluating building culture.
- Adoption of research-based prevention programs.
- Modification of schedules.
- Adjustment in hallway traffic and other student routes of travel.
- Targeted use of school employees.
- Staff professional development.
- Parent conferences.
- PTA involvement and support (appropriate programming, for example).
- Student-based support groups.

In addition, intervention will focus upon the safety of the targeted student. When aware of incidents of bullying, harassment, and discrimination staff are required either to refer the targeted student to designated resources for assistance, or to intervene in accordance with this policy and the relevant provisions of the District's Code of Conduct.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by the District intervention might require a specific, coordinated approach, 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 reach their academic potential. Staff, when aware of incidents of bullying, harassment, and discrimination should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the Building Principal or other appropriate or designated staff. The Building Principal, other appropriate or designated staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

The District recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will communicate to establish a plan that best meets the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that the concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Training

The Board recognizes that in order to implement an effective bullying, harassment, and discrimination prevention and intervention program, professional development is needed. The District's Professional Development Committee and Safe Schools Committee will continue to assist the building level administration in developing and implementing bullying prevention

programs and character education programs that meet the requirements of DASA. Training opportunities will be provided for all staff, including, but not limited to, administrators, teachers, bus drivers, cafeteria staff, hall monitors, and any staff members who have contact with students.

Dignity for All Students Act Coordinator

At least one staff member in each school will be designated as the Dignity for All Students Coordinator and will 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 (identity or expression) and sex.

Individual Building Administrators, and/or his or her designee (Character Education Coordinator) will be the Dignity for All Students Coordinator in each building. This information will be shared in the individual buildings and on the school web site.

Reporting and Investigation

The District cannot effectively address bullying, harassment, and discrimination if incidents are not reported. Students who have been bullied, parents whose children have been bullied, or other students or staff who observe bullying are encouraged and expected to make verbal and/or written complaints to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented and handled in accordance with the regulations and procedures in place in each building and pursuant to the District's Code of Conduct. If a staff member is unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with his or her supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

There shall be a duty for all school personnel to report incidents of student-to-student and/or staff-to-student bullying, harassment, and discrimination that they observe on school property or at school functions to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and/or staff-to-student bullying, harassment, and discrimination of which they are made aware by students, staff, or persons in parental relation to their building principals or other administrator who supervises their employment. Supervisors shall refer the information to appropriate District staff as outlined in the District Harassment Policy 5020.5.

The results of any such investigation shall be reported to both the targeted student and the alleged offender, as well as their respective parents or guardians. However, any information disclosed shall comply with student privacy rights under the Family Education Rights and Privacy Act (FERPA). If either party and/or their respective parents or guardians disagrees with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

Student Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying, harassment, and discrimination may still occur. In these cases, offenders will be given the clear message that their actions are

unacceptable and will not be tolerated because they are inconsistent with the concepts of tolerance and respect for others and the fostering of civility in public schools in order to provide a safe and supportive school environment for all students. Student offenders must further be advised that their behavior must improve. Student offenders will receive in-school remediation and/or intervention to assist them in making positive 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. If the behavior rises to the level of criminal activity, law enforcement officials will be contacted.

Consequences for a student who commits an act or acts of bullying, harassment, and/or discrimination 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, the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Investigating and Responding to Allegations of Staff-to-Student Bullying, Harassment and/or Discrimination

In the case of a report of alleged staff-to-student bullying, harassment, and discrimination, reporting, investigation, and response must follow all applicable school and/or District policies and procedures, including collective bargaining provisions and due process obligations related to staff-to-student misconduct.

Non-Retaliation

Any person having reasonable cause to suspect that a student has been subjected to bullying, harassment, or discrimination by a student and/or an employee, on school grounds or at school functions, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner of Education, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

District employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

Dissemination, Monitoring, Review, and Reporting

The District's complete Code of Conduct and any updates shall be posted on the District's website. The District shall also provide a plain language summary to all parents and guardians of students at the beginning of each school year. All staff members will also be provided a complete copy of the Code of Conduct each year.

Each year the Board will receive reports on student management and discipline as well as other relevant data, for each school and for the district as whole. Based on the review of the data, the Board may consider further action.

Prior to notification of any parent, guardian, or student regarding any incident of bullying, harassment, and/or discrimination, school authorities must consider the issue of notification as they would any other educationally relevant decision – considering the age, health, well-being, safety and privacy of any students involved in the incident. The District shall ensure that any required reporting of such information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Reference: Education Law §11(7); § 13(3); § 16; § 2801(5); §§ 3201 and 3201-a.
Penal Law §§ 120.16 and 120.17.
8 NYCRR § 100.2(l)(2)(iii)(a).
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