

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Definitions

For purposes of this regulation, the following definitions shall apply:

- 1) "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 as defined in Vehicle and Traffic Law Section 142 (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.);
- 2) "School function" means a school-sponsored extra-curricular event 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, provided, however, that in all provisions of this article dealing with employment, the term shall 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;

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- 4) "Employee" shall mean any person receiving compensation from a school district or charter school or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact;
- 5) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality;
- 6) "Gender" means actual or perceived sex and shall include a person's gender identity or expression;
- 7) "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;
- 8) "Harassment" and "bullying" mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying, 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; 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 race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- 9) "Emotional Harm" means harm through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
- 10) "Material Incident of Discrimination and/or Harassment" means a single verified incident or a series of verified related incidents where a student is subjected to discrimination and/or harassment by a student and/or 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 severe or pervasive nature that:
 - a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental or emotional and/or physical well-being; or
 - b. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

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Such conduct shall include but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that nothing in Education Law Section 100.2(kk) shall be construed to prohibit a denial of admission into, or exclusion from, a course or instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) 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. The Board of Education shall appoint a Dignity Act Coordinator(s) who is employed by such District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/ supervisor or Superintendent of Schools. Districts must share the name(s) and contact information of the Dignity Act Coordinator(s) with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the *Code of Conduct* and updates posted on the Internet website, if available; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing such information to parents and persons of parental relation in at least one (1) district or school mailing or other method of distribution including, but not limited to, through electronic communication and/or sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;
- d) Posting such information in highly visible areas of school buildings;
- e) Making such information available at the district and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT**Training and Awareness**

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

- a) Raise awareness and sensitivity;
- b) Address social patterns and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- e) Include safe and supportive school climate concepts in curriculum and classroom management; and
- f) Ensure the effective implementation of school policy on conduct and discipline.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

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SUBJECT: DIGNITY FOR ALL STUDENTS ACT**Reports and Investigations of Bullying, Discrimination and/or Harassment**

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the *Code of Conduct*, and all appropriate federal or state laws. The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

For purposes of reporting, a school district, BOCES or charter school shall include in its annual report all material incidents of discrimination and/or harassment that:

- 1) Are the result of the investigation of a written or oral complaint made to the School Principal or other school administrator responsible for school discipline, or to any other school employee; or
- 2) Are otherwise directly observed by such Principal or administrator, or by any other employee regardless of whether a complaint is made.

Such report shall include information describing the specific nature of the incident, including, but not limited to:

- 1) The type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they shall all be reported;
- 2) Whether the incident resulted from student and/or employee conduct;
- 3) Whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and
- 4) The location where the incident occurred.

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In addition, the Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the district, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Complaint Form

The attached Dignity Act Complaint Form shall be used to document and record reports of bullying, discrimination, and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1340 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3160 -- Non-Discrimination and Anti-Harassment in the School District
#7261 -- Bullying in the Schools
#7262 -- Hazing of Students
#7631 -- Sexual Harassment of Students
#8236 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

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