

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, 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 the schools. Such behavior affects not only the students who are its targets, but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, and bullying on school grounds, school buses, and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing, or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

1. **Bullying.** Under the amended Dignity for All Students Act, bullying has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment, or access to facilities available to all others, to an individual or group of people because of the group, class, or category to which that person belongs (as enumerated under the definition of Harassment, below).
4. **Hazing.** Hazing is an induction, initiation, or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury, or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury, or public ridicule is likely to occur.
5. **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 misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by 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;
- reasonably causes or would reasonably be expected to cause a student to fear for their physical safety;
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as, but not limited to, braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term "threats, intimidation, or abuse" includes verbal and non-verbal actions.

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.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying, and hazing behaviors.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared toward prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating bullying prevention programming into instruction. Through District-wide professional development and instruction, staff members and students will be sensitized to the warning signs of bullying and their responsibility to be actively involved in the prevention of bullying before overt acts occur.

Curricular materials that raise awareness and sensitivity to discrimination and/or harassment and 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.

In order to implement this program, at least one employee in every school shall be designated as a Dignity Act Coordinator (DAC). The Board shall approve the designation of each DAC and one of the DAC's will be designated as the District-wide coordinator. The role of each DAC is to oversee and enforce this policy in the school/building to which they are assigned. The additional responsibilities of the District-wide DAC are described in the accompanying regulation to this policy.

In addition, the Superintendent of Schools has established a District-wide Shared Decision Making Committee, as well as Shared Decision Making Committees in each school that will be overseen by the District-wide DAC. Committees will include representation from staff, administration, students, and parents. The District-wide and school-level committees will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying, and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches that are targeted to the school or District as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach 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. Staff, when aware of bullying, should bring this to the attention of the DAC and building principal who will determine if accommodations are needed in order to help ensure the safety of the student. The building principal, DAC, other appropriate staff, the student, and the student's parent will work together to define and implement any needed accommodations.

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

Incident 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 whose children have been bullied, or other students 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. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the DAC and/or building principal within one school day and to fill out the District reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints must be documented, tracked, and handled in accordance with the regulations accompanying this policy, the District's Code of Conduct, and any other applicable Board policy (e.g., 0100, Equal Opportunity Nondiscrimination, or 0110, Sexual Harassment), as well as any procedures and/or protocols established by the Superintendent. The building principal or the designee(s) thereof will submit monthly reports to the school's designated Associate Superintendent based on complaints filed. Based on the reports received, the Districts Associate Superintendents shall provide a regular report on data and trends related to harassment, bullying, and/or discrimination for their designated schools to the Superintendent.

The District is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed that is different from the one in State law and this policy. The District is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by State law) should also be reviewed under the District's Title IX grievance procedure, either prior to or in tandem with this policy (see policy 0111 and regulation 0111-R).

An equitable and thorough investigation will be carried out by the DAC, building principal, or building principal's designee(s) in accordance with the accompanying regulation to this policy. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either party disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the State will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the District as a whole. Based on a review of the data, the Board may consider further action including, but not limited to, modification of this policy and/or additional training.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, the Board recognizes that acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced, and age-appropriate 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 will be contacted.

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

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.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is necessary. The Superintendent, the District-wide DAC, and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. The District will provide training opportunities for all staff including, but not limited to, bus drivers, cafeteria and hall monitors, and all staff who have contact with students. The DACs will be trained in accordance with State requirements and will continue their professional development to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in student registration materials, student, parent, and employee handbooks, and posted on the District's website. A bullying complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained to students, staff, and parents on an annual basis.

Each year, 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 its consideration.

The District will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment
 0111, Sex Discrimination and Sex-Based Harassment Under Title IX
 4321, Programs for Students with Disabilities
 5300, Code of Conduct
 5710, School Safety and Educational Climate (SSEC)_Reporting
 9700, Staff Development

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.*; 34 CFR Part 106
 §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
Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503 (1969)
Mahanoy Area School District v. B.L., 594 U.S. 180, 141 S. Ct. 2038 (2021)
Pollnow v. Glennon, 594 F.Supp. 220, 224 *aff'd* 757 F.2d 496
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 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)
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)
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

Adoption date: July 15, 2015

Revised: January 15, 2025