**Joseph A. McNeil IB PYP Candidate Elementary School **

**Bullying Policy**

Drafted: Spring 2020

Revisions:

**0115 STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

Joseph A. McNeil and in accordance with The Board of Education of the Hempstead Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. Joseph A. McNeil recognizes that student's ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, we at Joseph A. McNeil 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 which can be reasonably expected to materially and substantially interfere 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**

**Bullying**

Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror.  In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination.  The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

**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 in the Definitions section, under Harassment, below).

**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.

**Harassment**

Harassment has been defined in various ways in federal and state law and regulation.  Joseph A. McNeil 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](http://redirector.microscribepub.com/?cat=code&loc=ny&id=edn&spec=10-18)) defines harassment  as 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; 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.  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**

Joseph A. McNeil school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district and school value. Restorative practices geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination 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 1-6.

**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 and harassment 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. In addition, intervention will focus upon the safety of the target.  Staff is expected, when aware of bullying, to either 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**

Joseph A. McNeil acknowledges that, notwithstanding actions taken by school 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 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.  The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

Joseph A. McNeil recognizes that there is a need to balance accommodations which 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 that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued

**Training**

Joseph A. McNeil recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed.  Joseph A. McNeil Restorative Practice Committee will incorporate training to support this program.  Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students.  Joseph A. McNeil Restorative practice committee will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

**Reporting and Investigation**

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported.  Students who have been bullied, parents whose children have been bullied or other students or staff 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. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment] and the district's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their 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 any incidents of student-to-student and staff-to-student bullying that they observe 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 staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervises their employment.  Supervisors will refer the information to appropriate district staff for investigation as designated in regulation.  A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation.  If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

**Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, bullying acts 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 will be taken by the administration in accordance with the district's Code of Conduct, as applicable.  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 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, 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.

**Dissemination, Monitoring, Review, and Reporting**

This policy, or a plain language summary, shall be published in student registration materials, student, parent handbooks, and posted on the Joseph A. McNeil's website.  A bullying complaint form will be available on the school’s website.  Joseph A. McNeil will ensure that the process of reporting bullying is clearly explained.

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 Joseph A. McNeil Restorative Practice Committee for its consideration.

Ref: 0115 Policy

Dignity for All Students Act,  [Education Law, §10 - 18](http://redirector.microscribepub.com/?cat=code&loc=ny&id=edn&spec=10-18)

Americans with Disabilities Act, [42 U.S.C. §12101](http://redirector.microscribepub.com/?cat=usc&loc=us&id=42-12101&)*et seq*.

Title VI, Civil Rights Act of 1964, [42 U.S.C. §2000d](http://redirector.microscribepub.com/?cat=usc&loc=us&id=42-2000d&)*et seq*.

Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](http://redirector.microscribepub.com/?cat=usc&loc=us&id=42-2000e&)*et seq*.; [34 CFR §100](http://redirector.microscribepub.com/?cat=cfr&loc=us&id=34&spec=100)*et seq*.

Title IX, Education Amendments of 1972, [20 U.S.C. §1681](http://redirector.microscribepub.com/?cat=usc&loc=us&id=20-1681&)*et seq*.

§504, Rehabilitation Act of 1973, [29 U.S.C. §794](http://redirector.microscribepub.com/?cat=usc&loc=us&id=29-794&)

Individuals with Disabilities Education Law, [20 U.S.C §§1400](http://redirector.microscribepub.com/?cat=usc&loc=us&id=20-1400&)*et seq*.

[Executive Law §290](http://redirector.microscribepub.com/?cat=code&loc=ny&id=exc&spec=290)*et seq*. (New York State Human Rights Law)

[Education Law §§313](http://redirector.microscribepub.com/?cat=code&loc=ny&id=edn&spec=313)(3), [3201](http://redirector.microscribepub.com/?cat=code&loc=ny&id=edn&spec=3201), [3201-a](http://redirector.microscribepub.com/?cat=code&loc=ny&id=edn&spec=3201-a)

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