

Students

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 discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and 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 discrimination 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.

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. Upon the recommendation of the Superintendent, the Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

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.

Training

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 harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

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 discrimination or harassment and civility in the relations of people

(Continued)

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of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Discrimination and Harassment

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. 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 District will annually report material incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

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 discrimination 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 discrimination or harassment.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

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NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#3430 -- Uniform Violent and Disruptive Incident Reporting System (VADIR)
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8130 -- Equal Educational Opportunities
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: July 11, 2012

DIGNITY FOR ALL STUDENTS ACT REGULATION

The Board is committed to providing a safe, positive and supportive school environment, which prohibits all forms of bullying, discrimination, and/or harassment on school grounds and at all school-sponsored activities, programs and events. The Board further prohibits all forms of bullying, discrimination and/or harassment that occur off school grounds, when such acts create a hostile environment for the victim at school, infringe upon the rights of a victim at school or materially and substantially disrupt the educational process or the orderly operations of any school.

This Regulation establishes the District's protocol(s) for preventing and intervening in instances of bullying, discrimination and/or harassment in accordance with the Dignity for All Students Act.

- I. Education and Prevention/Dignity Act Coordinator
- II. Reporting and Investigation of an Incident
- III. Investigation and Resolution Procedures
- IV. Confidentiality
- V. Prohibition of Retaliation
- VI. Remediation/Discipline/Penalties
- VII. Policy Dissemination and Training

I. Education and Prevention/Dignity Act Coordinator

Education is the cornerstone of the District's effort to prevent, and when necessary, to intervene in incidents of bullying, discrimination, and/or harassment. To this end, the Board will annually appoint an appropriately trained staff member in each building to serve as the Dignity Act Coordinator, who shall be responsible for the management of building level initiatives pursuant to the Dignity for All Students Act Policy #7550 to include:

- Establishment of clearly communicated school-wide and classroom rules concerning bullying, discrimination and/or harassment, which are consistent with the District's Code of Conduct.
- Identification of the early warning signs and precursor behaviors that may lead to bullying, discrimination and/or harassment.
- Gathering information/data concerning incidents of bullying, discrimination and/or harassment in the schools and analyzing and using this data to assist in decision-making about programming and resource allocation.
- Training adults in the school community to respond sensitively and consistently to bullying, discrimination and/or harassment.
- Raising parental awareness and involvement in the prevention and intervention program.

II. Reporting and Investigation of Incidents of Bullying, Discrimination and/or Harassment

Any student who believes that he or she has been the victim of bullying, discrimination and/or harassment or any student who has knowledge of any other student that has been the victim of bullying, discrimination and/or harassment must immediately report such conduct to the Dignity Act Coordinator, Building Principal, teacher or other staff member. Incidents of bullying, discrimination, and/or harassment that are either reported to or witnessed by any

District staff member must be immediately referred to the Dignity Act Coordinator in the respective school building so that the incident(s) may be promptly investigated and appropriately addressed. In the event the Dignity Act Coordinator is unavailable or cannot be located promptly, such reports shall be filed with the Building Principal who shall be responsible for ensuring delivery to the Dignity Act Coordinator. All such reports shall be made on a District-developed form (attached). Copies of these forms will also be made available on the District's website, in the District's Administrative Offices, as well as in the Principal's Office in each school building.

In the event that circumstances prevent the use of the District-developed form, the staff member's report shall include (at a minimum): the nature of the incident(s); dates, times, places it occurred; name of the victim (s) and perpetrator(s); and the names of witnesses to the incident(s).

If, after appropriate investigation (as set forth below), the District finds that a student, an employee or a third party has engaged in bullying, discrimination, or harassment, prompt corrective action, which may include discipline, will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, District policy(ies) and state law/Regulations. If the reported behavior is specifically governed by a separate District Policy/Regulation, the procedures set forth in those policy(ies)/Regulations shall be followed; otherwise, the following procedure shall be followed.

III. Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a report of bullying, discrimination and/or harassment is received by the Dignity Act Coordinator or by the Building Principal, an investigation will be promptly conducted, as set forth in more detail below. The Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the victim and promptly and equitably resolve the complaint.

As soon as possible, but no later than two (2) work days following receipt of a report, the Dignity Act Coordinator should begin an investigation of the report by:

- Reviewing any written documentation provided by the reporter;
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations, including obtaining written statements from all individuals interviewed;
- Notifying the alleged perpetrator(s) that if objectionable behavior has occurred, it must cease immediately. The individual(s) will also be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the victim requires any accommodations to ensure his/her safety, and following up periodically until the issue has been resolved. Accommodations may include, but are not limited to:
 - A "permanent" hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;

- Access to private locker room facilities;
- An escort during passing periods;
- If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
- An opportunity for independent study at home with district-provided tutor until the case is resolved;
- Assignment of a bus monitor.

The District 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, and 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(s) and/or meeting(s) 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.

Where appropriate, informal methods may be used to resolve the issue, including but not limited to:

- discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- suggesting counseling, skill building activities and/or sensitivity training;
- conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- requesting a letter of apology to the target;
- writing letters of caution or reprimand;
- informing parents of the situation; and/or
- separating the parties.

If applicable, appropriate disciplinary action shall be recommended and imposed in accordance with the District's Code of Conduct, District policy(ies), the applicable collective bargaining agreement and/or state law/Regulations. However, the Dignity Act Coordinator should attempt to resolve the misconduct through non-punitive measures, if appropriate.

Upon completion of the investigation, the Dignity Act Coordinator shall summarize the findings of the investigation in writing and inform the Building Principal of the outcome of the investigation. The Dignity Act Coordinator shall also reconvene meetings with the victim and the accused within **5 school days** of completing the investigation to notify them as appropriate, regarding the outcome of the investigation, subject to the confidentiality provisions set forth in section IV below. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this Regulation. In the event the objectionable behavior occurs again and/or if the alleged perpetrator retaliates against the victim, the victim shall immediately notify the Dignity Act Coordinator so that appropriate action may be taken.

If the Dignity Act Coordinator has a reasonable suspicion that the alleged incident involves criminal activity, he/she shall immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities. Any allegation that involves alleged bullying, harassment, or intimidation by a faculty or staff member shall be referred to the Assistant Superintendent for Human Resources.

The District shall retain all documentation associated with complaints and investigations in accordance with the records retention requirements associated with student records. The District shall report all material incidents of bullying, discrimination and/or harassment of students to the State Department of Education as mandated by the Regulations of the New York State Commissioner of Education.

IV. Confidentiality

The District endeavors to respect the privacy of all parties and witnesses to bullying, discrimination and/or harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed, except on a “need to know” basis to those individuals who are deemed by the District to be informed of such information. However, because an individual's desire for confidentiality must be balanced with the District's legal obligations to ensure the safety, health and welfare of its students and to provide due process to the offending party(ies) it may become necessary for the District to disclose the identity of the parties and witnesses. The Dignity Act Coordinator or appointed investigator will discuss confidentiality standards and concerns with all individuals who are interviewed during the investigation.

If a complainant demands that his/her name not be revealed to the individual(s) against whom a complaint is filed, the investigator shall inform the complainant that:

1. their request may limit the District's ability to appropriately address his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses (outlined below);
3. the District will take reasonable measures to prevent any retaliation; and
4. the District will take firm responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint in a confidential manner, as long as doing so does not preclude the District from appropriately responding to the incident(s) of bullying, discrimination and/or harassment including, but not limited to preventing bullying, discrimination and/or harassment of other students.

V. Prohibition of Retaliation

Any act of retaliation against any person who opposes bullying, discriminatory and/or harassing behavior, or who has filed a complaint, has testified, assisted, or participated in any manner in any investigation, proceeding, or hearing involving bullying, discrimination and/or harassment is strictly prohibited and illegal, and therefore will be subject to disciplinary action. For purposes of this Regulation, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment.

VI. Remediation/Discipline/Penalties

Any individual who engages in bullying, discrimination and/or harassment will be subject to appropriate action, which may include disciplinary consequences, as specified in the District's

Code of Conduct. Remedial responses to such conduct include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities are specified in the District Code of Conduct and may include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

VII. Policy Dissemination and Training

The Dignity Act Coordinator in each building shall be responsible for informing students and staff on an annual basis of the terms of the District's Dignity for All Students Policy #7550 and this implementing Regulation.

The Dignity Act Coordinator shall ensure that faculty and staff within his/her school receive training on an annual basis to raise awareness and sensitivity as well as support prevention and intervention of bullying, discrimination, and harassment. The Dignity Act Coordinator shall be responsible for maintaining a record of the annual training that staff members receive.



Harrison Central School District Dignity for All Students Act (DASA) Incident Report Form

7550R

To be completed by person reporting the incident (or the person receiving the complaint and/or investigating the incident) and submitted to the Dignity Act Coordinator (DAC), a school administrator, or a guidance counselor.

School: _____ Today's date: _____

Name and position of person reporting the incident: _____

Role of person reporting incident (Check one): ☐ Student Target ☐ Student Witness ☐ Parent/Guardian

☐ Staff Member ☐ Other: _____

Phone Number of Person Reporting Incident: _____

Email of Person Reporting Incident: _____

Name of target(s) (Student(s) being bullied, harassed, or discriminated against): _____

Name(s) of alleged offender(s): _____

Date & time of incident: _____

What was your involvement in the incident?

☐ I was directly involved in the incident ☐ I observed the incident ☐ I heard about the incident

Where did the incident happen? (Check all that apply) ☐ On school property ☐ Off school property

☐ Cafeteria ☐ On a school bus ☐ Hallway ☐ Bathroom ☐ Classroom ☐ Gym

☐ Locker room ☐ At a school function: _____

☐ Electronic Communication (please describe): _____

☐ Other (describe): _____

Type of incident (Check all that apply):

☐ Physical contact (kicking, punching, spitting, tripping, pushing, taking belongings)

☐ Verbal threats (gossip, name-calling, put-downs, teasing, being mean, taunting, making threats)

☐ Psychological (non-verbal actions, spreading rumors, social exclusion, intimidation)

☐ Abuse (actions or statements that put an individual in fear of bodily harm)

☐ Cyberbullying (misusing technology/social media to harass, tease, threaten, post pictures (sexting))

☐ Other (please describe): _____

Who was involved in the incident? (Check all that apply) ☐ Student ☐ Employee ☐ Other: _____

Describe the specific nature of the incident. What happened? (Be as specific as possible). What did the alleged offender say or do? Include any copies of text messages, emails, etc. if possible. (Add extra pages if needed)

If there were any adults in the area when this happened, what did they do?

Types of bias involved (if known): (Check all that apply) ☐ Race ☐ Color ☐ Weight/Size

☐ National Origin ☐ Ethnic Group ☐ Religion ☐ Religious Practice ☐ Disability

☐ Sexual Orientation ☐ Gender ☐ Sex ☐ Other (describe): _____

Name(s) of others who may have witnessed the incident:

Was the student absent from school as a result of the incident? ☐ No ☐ Yes

If Yes, number of days student was absent: _____

Describe the impact this incident has had on the student (if known):

Is the situation ongoing and continuing to occur? ☐ Yes ☐ No ☐ Unknown

Submit this completed form to the Dignity Act Coordinator, a school administrator, or guidance counselor.



Harrison Central School District Dignity for All Students Act (DASA) Incident Report Form

7550R

To be completed by person reporting the incident (or the person receiving the complaint and/or investigating the incident) and submitted to the Dignity Act Coordinator (DAC), a school administrator, or a guidance counselor.

School: _____ Today's date: _____

Name and position of person reporting the incident: _____

Role of person reporting incident (Check one): ☐ Student Target ☐ Student Witness ☐ Parent/Guardian

☐ Staff Member ☐ Other: _____

Phone Number of Person Reporting Incident: _____

Email of Person Reporting Incident: _____

Name of target(s) (Student(s) being bullied, harassed, or discriminated against): _____

Name(s) of alleged offender(s): _____

Date & time of incident: _____

What was your involvement in the incident?

☐ I was directly involved in the incident ☐ I observed the incident ☐ I heard about the incident

Where did the incident happen? (Check all that apply) ☐ On school property ☐ Off school property

☐ Cafeteria ☐ On a school bus ☐ Hallway ☐ Bathroom ☐ Classroom ☐ Gym

☐ Locker room ☐ At a school function: _____

☐ Electronic Communication (please describe): _____

☐ Other (describe): _____

Type of incident (Check all that apply):

☐ Physical contact (kicking, punching, spitting, tripping, pushing, taking belongings)

☐ Verbal threats (gossip, name-calling, put-downs, teasing, being mean, taunting, making threats)

☐ Psychological (non-verbal actions, spreading rumors, social exclusion, intimidation)

☐ Abuse (actions or statements that put an individual in fear of bodily harm)

☐ Cyberbullying (misusing technology/social media to harass, tease, threaten, post pictures (sexting))

☐ Other (please describe): _____

Who was involved in the incident? (Check all that apply) ☐ Student ☐ Employee ☐ Other: _____

Describe the specific nature of the incident. What happened? (Be as specific as possible). What did the alleged offender say or do? Include any copies of text messages, emails, etc. if possible. (Add extra pages if needed)

If there were any adults in the area when this happened, what did they do?

Types of bias involved (if known): (Check all that apply) ☐ Race ☐ Color ☐ Weight/Size

☐ National Origin ☐ Ethnic Group ☐ Religion ☐ Religious Practice ☐ Disability

☐ Sexual Orientation ☐ Gender ☐ Sex ☐ Other (describe): _____

Name(s) of others who may have witnessed the incident:

Was the student absent from school as a result of the incident? ☐ No ☐ Yes

If Yes, number of days student was absent: _____

Describe the impact this incident has had on the student (if known):

Is the situation ongoing and continuing to occur? ☐ Yes ☐ No ☐ Unknown

Submit this completed form to the Dignity Act Coordinator, a school administrator, or guidance counselor.