

Students

SUBJECT: BULLYING IN THE SCHOOLS

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the *District Code of Conduct* for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as: "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful." Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Although this Policy focuses on the bullying of a student by another student, it should be noted that bullying against any individual is strictly prohibited. This includes bullying of staff members against students, students against staff members, staff members against other staff members, and bullying by or against any parents, persons in parental relation, volunteers, visitors or vendors who may be on school property or at school sponsored events as defined above.

Engages in Cyberbullying Behavior

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs or social networking sites).

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Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to local law enforcement authorities.

Reports of Allegations of Bullying/Cyberbullying Behavior

Any student who believes that he/she is being subjected to bullying/cyberbullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the Building Principal. The staff member/Building Principal to whom the report is made (or the staff member/Building Principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Prevention and Intervention

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

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Prevention and intervention techniques within the District to prevent bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Civil Service Law Section 75-B

NOTE: Refer also to Policies #3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7631 -- Sexual Harassment of Students
#7635 -- Dignity for All Students: Prohibiting Harassment, Bullying and Discrimination
#8461 -- Internet Safety/Internet Content Filtering
District Code of Conduct

Adopted: 9/10/07
Revised: 12/7/10; 7/9/15

Students

**SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING HARASSMENT,
BULLYING AND DISCRIMINATION**

The Board of Education ("Board") is committed to providing a safe and productive learning environment within its schools. In accordance with New York State's "Dignity for All Students Act" (the "Dignity Act") the Board is committed to creating a school environment that is free of harassment, bullying and discrimination.

Policy Definitions:

"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.

"School bus" means 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.

"School function" means a school-sponsored extracurricular event or activity.

"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" and *"bullying"* mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:

- a) 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
- b) Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety; or
- c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- d) 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. Acts of harassment and bullying include, but are not limited to, acts based on a person's actual or perceived race, color,

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weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

"Cyberbullying" means harassment or bullying as defined immediately above, including paragraphs (a), (b), (c) and (d) of the above definition, where such harassment or bullying occurs through any form of electronic communication.

"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 Article 15 of the New York Executive Law dealing with employment, the term must 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.

"Sexual Orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

"Gender" means actual or perceived sex and includes a person's gender identity or expression.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five 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.

Harassment, Bullying and/or Discrimination of Students Prohibited

No student shall be subjected to harassment or bullying by employees or students on school property or at a school function (or off school property, as set forth in this policy); nor shall any student be subjected 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 by school employees or students on school property or at a school function. However, this shall not be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Section 3201-a or Section 2854(2)(a) of the New

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York Education Law and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et. seq.), nor shall this be construed to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

Remedial Disciplinary Consequences

In addition to any other disciplinary consequences set forth in the District's Code(s) of Conduct, the Board and District are committed to implementing remedial responses to harassment, bullying and discrimination that are aimed at addressing the root causes of harassment, bullying and/or discrimination and correcting and preventing the recurrence of the problem behavior. Appropriate remedial consequences may include, but are not limited to:

- a) Peer support groups;
- b) Corrective instruction or other relevant learning or service experience;
- c) Supportive intervention;
- d) Behavioral assessment/evaluation;
- e) Behavioral management plans, with goals for improvement that are closely monitored;
- f) Student counseling and parent conferences.

Environmental Remediation

In addition to imposing appropriate disciplinary consequences and remedial efforts aimed at addressing harassment, bullying and discrimination by particular students, building-wide and/or school-wide environmental remediation can be an important tool to prevent harassment, bullying and discrimination. Environmental remediation strategies may include, but are not limited to the following:

- a) Supervisory systems which empower school staff with prevention and intervention tools to address incidents of harassment, bullying and discrimination;
- b) School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- c) Adoption of research based systemic harassment, bullying and discrimination prevention programs;
- d) Modification of schedules;

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- e) Adjustment in hallway traffic and other student routes of travel;
- f) Targeted use of monitors;
- g) Staff professional development;
- h) Parent conferences;
- i) Involvement of parent-teacher organizations; and
- j) Peer support groups.

Designation and Training of Dignity Act Coordinators

The Superintendent shall designate one or more staff members in each school building to 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 and sex. The designated individual(s) in each building shall be referred to as the Dignity Act Coordinator(s).

Shared Responsibility for Reporting Known and/or Suspected Harassment, Bullying and/or Discrimination

Any student who believes that s/he is being subjected to harassment, bullying or discrimination or who witnesses harassment, bullying or discrimination, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, bullying or discrimination shall report the harassment, bullying or discrimination, orally or in writing, to any staff member or to the designated Dignity Act Coordinator for the student's school building. School staff at all levels are responsible for reporting harassment, bullying and discrimination of which they are aware. Any staff member who is assigned to and regularly works within a particular school building who witnesses harassment, bullying or discrimination or who receives an oral or written report of harassment, bullying or discrimination shall orally notify the designated Dignity Act Coordinator for his/her school building and thereafter shall file a written report with the designated Dignity Act Coordinator. All other school staff who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination shall orally notify either their immediate supervisor, who in turn shall notify the designated Dignity Act Coordinator for the supervisor's school building (if applicable), or the Superintendent of Schools, and thereafter shall file a written report with the same person to whom the oral report was made.

In addition, every teacher and every other professional educator (i.e., all certified personnel), whether employed by the District, or working under contract with the District, is required to:

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- a) At all times maintain a climate of mutual respect and dignity for all students, regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, so as to strengthen students' confidence and promote learning; and
- b) Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

Parents and other members of the school community are likewise encouraged to address their own personal biases and to behave as role models for their own children and other District students by maintaining and promoting a climate of mutual respect for others without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Parents, community members and other persons are encouraged to promptly report (either orally or in writing) to school staff any incident(s) of harassment, bullying or discrimination that they observe while they are on school premises or at a school function. Parents, community members or other persons who engage in such misconduct on school premises or at a school function shall be admonished by school staff in charge of the event or activity and may be directed to leave the District's premises and limited or prohibited from attending future school events and activities for a period of time and/or in a manner that is commensurate with their misconduct.

Investigating and Responding to Complaints of Harassment, Bullying and/or Discrimination

The Dignity Act Coordinator to whom a report is made, or the Superintendent (if the report is made directly to the Superintendent by school staff who are not assigned to a particular school building) shall promptly investigate or cause an investigation to be made into the complaint, regardless of whether the complaint is made orally or in writing.

The parents of the student who is alleged to be the target of the alleged harassment, bullying, or discrimination shall be notified immediately of the fact that a complaint has been made and that an investigation is being conducted. If the complaint alleges that other students engaged in acts of harassment, bullying, or discrimination, the parents of those students shall also be notified.

All complaints will be handled confidentially, except for disclosure necessary to thoroughly investigate and resolve the complaint.

The parents of the student who is alleged to be the target of the alleged harassment, bullying or discrimination and the parents of any accused students will be informed of the outcome of the investigation. The Superintendent of Schools will also be informed of the outcome of the investigation. If any students or parents are not satisfied with any procedural aspect of the District's

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investigation of a complaint, the student's parents may appeal such procedural issues to the Board of Education. The appeal must identify the specific action being appealed, explain the basis of the appeal, and must be delivered to the Superintendent of Schools within ten (10) days of the date the student or parent is informed of the outcome of the investigation.

When an investigation verifies that the alleged harassment, bullying or discrimination occurred, the Dignity Act Coordinator or Superintendent (as applicable) shall take prompt action, or cause prompt action to be taken, that is reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with District guidelines developed in accordance with this Policy.

In addition, whenever a Dignity Act Coordinator or the Superintendent (as applicable) believes that any harassment, bullying or discrimination constitutes criminal conduct, he or she shall promptly notify the appropriate local law enforcement agency.

Maintaining a Record of Allegations of Harassment, Bullying and/Discrimination

A record shall be made by the District's Dignity Act Coordinators of each allegation of harassment, bullying and discrimination, together with a summary of the finding(s) of the investigation into each such allegation, and the disposition of the matter. If an allegation of harassment, bullying or discrimination is substantiated, at a minimum, the record shall include information about:

- a) The nature of bias or biases involved (e.g., whether the harassment, bullying or discrimination was based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex);
- b) Whether the incident resulted from student and/or employee conduct;
- c) Whether the incident involved physical contact and/or verbal threats, intimidation or abuse;
- d) The location(s) where the harassment, bullying or discrimination occurred.

The District will annually report material incidents of harassment, bullying and/or discrimination to the State Education Department in the manner prescribed by the Commissioner.

In addition, the District's Dignity Act Coordinators shall regularly report on data and trends related to harassment, bullying and discrimination to the Superintendent.

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The Board prohibits any retaliatory behavior directed at any such person having reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school property or at a school function (or off school property, as set forth in this Policy), who acting reasonably and in good faith, either:

- a) Reports such harassment, bullying or discrimination to:
 1. School officials,
 2. The Commissioner of Education, or
 3. Law enforcement authorities; or
- b) Initiates, testifies, participates or assists in any formal or informal proceedings with respect to such harassment, bullying or discrimination.

In addition, all such persons shall 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.

Follow-up inquiries and/or appropriate monitoring of the alleged wrongdoer and victim shall be made to ensure that the harassment, bullying or discrimination has not continued or resumed and that those involved in the investigation of allegations of harassment, bullying or discrimination have not suffered retaliation.

Development of Administrative Guidelines

The Superintendent is authorized and directed to cause administrative guidelines to be prepared:

- a) Relating to the development of nondiscriminatory instructional and counseling methods for use by District faculty and counseling staff;
- b) Relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors, and are consistent with the *District's Code of Conduct*; and

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- c) To be used in school training programs to discourage the development of harassment, bullying and discrimination, and to make school employees aware of the effects of harassment, bullying, and discrimination on students and that are designed:
 - 1. To raise the awareness and sensitivity of school employees to potential harassment, bullying and discrimination, and
 - 2. To enable employees to prevent and respond to harassment, bullying and discrimination.

Training shall address:

- a) Social patterns of harassment, bullying and discrimination, including but not limited to acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex;
- b) The identification and mitigation of harassment, bullying and discrimination; and
- c) Strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

Training may be implemented and conducted in conjunction with existing professional development training.

Instruction in Civility, Citizenship and Character Education

In addition, the Superintendent or Superintendent's designee(s) shall assure that the District's curriculum in grades kindergarten through twelve (K through 12) provides for instruction in civility, citizenship and character education in accordance with the Education Law and the regulations of the Commissioner of Education, as further set forth in District Policy No. 8242. At a minimum this shall include instruction on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying, discrimination, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. Such component shall include instruction of safe, responsible use of the internet and electronic communications.

Adopted: 8/14/12