

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (DASA)

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

Bullying. Pursuant to the Dignity for All Students Act, “bullying” and “harassment” are equivalent and used interchangeably. In order to facilitate implementation, 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”), which is understood to be the creation of a hostile environment by verbal and non-verbal conduct, intimidation, verbal threats 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 and/or physical wellbeing. Bullying includes conduct, threats, intimidation or abuse (verbal or non-verbal) that reasonably causes or would reasonably be expected to cause physical or emotional harm. Bullying may be premeditated or a sudden activity, and may be repeated, or have the potential to be repeated over time. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

- 1. Power imbalance** - occurs when a bully uses their physical or social power over a target.
- 2. Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- 3. Threat of further aggression** - the bully and the target believe the bullying will continue.
- 4. Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.” (Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least four kinds of bullying: verbal, physical, social/relational, and cyber.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.
- Cyberbullying (Threatening electronic communications)

Cyberbullying. Cyberbullying is defined as harassment (see below) through any form of electronic communication.

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 listed under Harassment as defined 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 laws and regulations. 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 (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; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (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. 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). Gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth. Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

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 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 districtwide 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 K-12.

In order to implement this program, the Board will designate at its annual organizational meeting 1) one individual as the Districtwide DASA Coordinator whose responsibilities are described in the accompanying regulation (0115-R); and 2) at least one **DASA Coordinator** for each school in the district. The role of each building level **DASA Coordinator** is to oversee and enforce this policy in the school to which they are assigned.

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 which 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, and/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. 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 or DAC. The building principal, other appropriate staff, the student, and the student's parent will work together to define and implement any needed accommodations.

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. 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.

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. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the principal or DASA Coordinator within one (1) school day and to fill out the district reporting form within two (2) school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. A district employee may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident or incident of which they are made aware, whether or not the target complains. At all times, complaints will be documented, tracked, and handled in accordance with the regulations and procedures accompanying this policy (0115-R), the District's Code of Conduct, and any other applicable District policies.

Principals will report all DASA incidents and investigation results annually to the Superintendent. The Superintendent and/or Superintendent's designee will provide a certified accurate count of all material incidents for each school year (July 1st through June 30th) to NYSED in accordance with applicable laws.

All school personnel are to report any incidents of student-to-student and staff-to-student bullying that they observe *or* of which they are made aware, to their building principal or DASA Coordinator, or other administrator who supervises their employment. Any administrator receiving such a report shall relay this information directly to the Principal or DASA Coordinator. The building principal or DASA Coordinator will refer the information to appropriate district staff for a prompt and thorough investigation as designated in Regulation 0115-R. The results of the investigation shall be reported to both the target and the accused in accordance with the accompanying Regulation 0115-R. Verified bullying incidents that meet the criteria established by the statewide reporting system when applicable, in accordance with law and regulation, will be included in the Violent and Disruptive Incident Reporting (VADIR) report, as well as any other state-required report relevant to this policy, for each building and for the district as a whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, 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, 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 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. The district expressly prohibits any retaliation against complainants, victims, witnesses and/or any individuals who initiate, testify, participate or assist in the investigation of any allegation or report of harassment and/or discrimination. District administrators will monitor participants in investigations and victims of harassment and/or discrimination to ensure that the behavior has ceased, no retaliation has occurred and support or counseling has been afforded to the individuals involved, as needed.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the districtwide DASA Coordinator will incorporate training to support this program in new teacher orientation and through other professional development opportunities, as needed. Training

opportunities pertaining to DASA will be provided for all district staff. In the event of contracted employees and/or entities, the District will share this policy and accompanying regulation with the contractor/employer and provide contact information for the building level DASA Coordinators for each building in which they will be interacting with students. All contracted employees and/or entities will be directed to report any observed or reported incidents of bullying to the Principal or building level DASA Coordinator. The DASA Coordinators will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be distributed annually to all employees, receipt and acknowledgment of which will be returned to the District. This policy, or a plain language summary, will be distributed annually to students and parents by the Principals or building level DASA Coordinators. This policy is also posted on the District website, along with a copy of the DASA Incident Reporting Form. 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 and accompanying regulation 0115-R 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
4321, Programs for Students with Disabilities
5300, Code of Conduct
5710, Violent and Disruptive Incident 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.*
§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

Adoption date:

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