

**Subject: DIGNITY FOR ALL STUDENTS**

**Overview**

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, prohibits all forms of harassment, bullying, and/or discrimination of students by employees or other students on school property, school buses, District vehicles, and at all school-sponsored or school authorized activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment, bullying, and/or discrimination impact the individual's education in a way that violates their legal rights, including when the harassment, bullying, and/or discrimination are done by electronic means (including on social media). The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, sex, military status, age, marital status, pregnancy, or parental status, by employees or other students.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of students. The District will promptly respond to reports of harassment, bullying, and/or discrimination of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

**Definitions**

**Bullying**

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below).

There are at least three kinds of bullying: verbal, physical and social/relational:

- a. Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.

- b. 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.
- c. 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**

Cyberbullying is defined as harassment or bullying through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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.

### **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.

### **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**

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 his or her 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.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment.

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

- a. race,
- b. color,
- c. weight,
- d. national origin,
- e. ethnic group,
- f. religion,
- g. religious practice,
- h. disability,
- i. sex,
- j. sexual orientation, or
- k. gender (including gender identity and expression).

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

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.

### **Dignity Act Coordinator ("DAC")**

In each of its schools, the District will designate at least one employee to serve as the DAC and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

- a. Approved by the District's Board of Education;
- b. Licensed or certified by the commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;
- c. Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
- d. Thoroughly trained annually to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

- e. Provided annually with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f. Provided annually with training in the identification and mitigation of harassment, bullying, and discrimination; and
- g. Provided annually with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a. Listing it in the Code of Conduct, with updates posted on the District's website and;
- b. Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c. Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d. Posting it in highly visible areas of school buildings; and
- e. Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board, and will include training to:

- a. Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b. Address social patterns of harassment, bullying, and discrimination;
- c. Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d. Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e. Make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f. Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g. Include safe and supportive school climate concepts in curriculum and classroom management; and
- h. Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents or persons in parental relation. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current Code of Conduct upon beginning their employment and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

### **Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination**

Any student who believes that he or she has been the victim of discrimination bullying, and/or harassment, parents whose children have been bullied, or any student who has knowledge of any other student that has been the victim of discrimination, bullying, and/or harassment must immediately report such conduct to the Dignity Act Coordinator, or any other staff member. A standardized DASA complaint form shall be posted on the district website.

Parents and/or guardian(s) of involved parties; as appropriate shall be notified within **one (1) school day**, of a report being made to the DAC, principal, or their designee.

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than **one school day** after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than **two school days** after making

the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC.

The principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

As soon as possible, but no later than **three (3) school days** following receipt of a report, the DAC, the principal, or their designee should initiate an investigation of the report.

This investigation will include:

- a. Reviewing any written documentation provided by the reporter.
- b. Conducting separate interviews of the victim(s), alleged accused, and witnesses, if any, and documenting the conversations.
- c. Notifying the alleged accused 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.
- d. Determining whether any accommodations need to be made to resolve the matter.

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.

In investigating any allegation the investigator may seek the assistance of the District's Civil Rights Compliance Officer (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non Discrimination and anti-Harassment in the District; Policy #3421 -- Title IX and Discrimination; Policy #7551 -- Sexual Harassment of Students; and the District's Code of Conduct. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the DAC may work with other District staff such as the District's CRCO(s) and/or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee or the DAC will take prompt action consistent with applicable laws and regulations as well as the District's Code of Conduct, reasonably calculated to end the harassment, bullying, and/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 the behavior was directed.

The Principal, their designee, or the DAC will report back to both the complainant and the individual(s) against whom the complaint is filed, within **three (3) days** of completing the investigation, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint.

Documentation of the outcome to the involved parties in compliance with FERPA.

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitutes criminal conduct.

### **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to bullying. 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 to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

- a. the request may limit the district's ability to respond to their complaint;
- b. district policy and federal law prohibit retaliation against complainants and witnesses;
- c. the district will attempt to prevent any retaliation; and
- d. the district will take strong 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 consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

## **Appeal Process**

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

### **District-level Procedure**

The Superintendent or their designee shall promptly investigate and equitably resolve all bullying complaints that are referred to their, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but not later than **three (3) school days** following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this Policy.

No later than **thirty (30) school days** following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the complainant and individual(s) against whom the complaint is filed, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within **thirty (30) school days** following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within **thirty (30) school days**.

### **Board-level Procedure**

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within **fifteen (15) school days** of the receipt of the request of the complainant.

The Board shall render a decision in writing within **fifteen (15) school days** after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

## **Remediation/Discipline/Penalties**



Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying 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:

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

Environmental remediation may include, but is not limited to:

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

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.

## **Reporting Incidents**

### **Reporting Incidents to the Superintendent**

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED). The Superintendent will share these reports with the Board of Education on no less than an annual basis.

### **Reporting of Material Incidents to the Commissioner of Education**

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

### **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 harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

### **Publication of District Policy**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy or a plain-language summary of it. The policy or summary will include information relating to how students, parents, or persons in parental relation and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

### **Application**

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

**Education Law §§ 10-18 and 2801  
8 NYCRR § 100.2**

**NOTE: Refer also to Policies**

- #1330 -- Appointments and Designations by the Board**
- #3410 -- Code of Conduct**
- #3420 -- Non-Discrimination and Anti-Harassment in the District**
- #3421 -- Title IX and Sex Discrimination**
- #5670 -- Records Management**
- #6411 -- Use of Email in the District**
- #7310 -- District Code of Conduct**
- #7551 -- Sexual Harassment of Students**
- #7552 -- Student Gender Identity**
- #8130 -- Equal Educational Opportunities**
- #8242 -- Civility, Citizenship, and Character Education/Interpersonal  
Violence Prevention Education**

***Adopted: June 2, 2021***

***Amended: January 11, 2023***