

**STUDENT HARASSMENT & BULLYING PREVENTION AND INTERVENTION**  
**(Dignity for All Students Act)**

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

Therefore, it is the policy of the District to prohibit bullying, hazing, and harassment on district property, district transportation, and at school-sponsored (on or off campus) events and functions. Acts of bullying, hazing, and harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, and whether on school property, at a school function, on a school or coach bus, or off school property where there is a sufficient nexus to the school environment. The District prohibits acts of bullying, hazing, and harassment that create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the educational process or the orderly operation of a school.

The Board recognizes that, in some instances, acts of bullying, hazing, and harassment may constitute discrimination in violation of state and federal law and regulation and/or District policy. The District strictly prohibits all forms of discrimination, including bullying, hazing, and harassment. No student shall be subjected to discrimination based on, but not limited to, a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, age, socioeconomic status, sexual orientation, gender, or sex by school employees or students on District property or at a school function. Additional information can be obtained by reviewing Board of Education Policy #2451-Nondiscrimination in Education Programs.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)****DEFINITIONS**

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication. Opportunities for cyber bullying exist both on and off of the premises of Patchogue-Medford Schools and may involve the use of, but not limited to, the Patchogue-Medford computer system, electronic mail system, or personal computers, cell phones, digital cameras. Cyberbullying using any of these methods shall be covered by this policy. Within the parameters of these definitions, cyber bullying may include, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student by way of any technological device or tool, such as sending or posting inappropriate or derogatory electronic mail messages, instant messages, text messages, digital pictures or images, or website postings (including blog entries).
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **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.
5. **Harassment.** 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:
  - a. That has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being;
  - b. That reasonably causes, or would reasonably be expected to cause, a student to fear for his or her physical safety;
  - c. That reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; **or**
  - d. That 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 and has an impact on a student as set forth in subdivisions (a), (b), or (c) on school grounds or at a school event, activity, or function.

## **Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)**

### **Definitions (Continued)**

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,
- marital status
- familial status
- religion,
- religious practice,
- physical or mental ability or disability,
- socio-economic status
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

Within the parameters of the above definitions, “bullying” and “harassment” may take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, name-calling, insulting remarks, frightening phone calls, extortion, taunting, gossip, damaging or taking a student's clothes or personal property, exclusion from a group, teasing, humiliating a student or other written, verbal, physical, or electronic actions.

6. **Electronic communication:** a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs, twitter, etc.
7. **Emotional harm:** harm to a student's emotional well-being in the context of bullying, hazing, or harassment through the creation of a hostile school environment that is so severe or pervasive so as to unreasonably and substantially interfere with a student's education.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)**  
**Definitions (Continued)**

For the purpose of this definition the term “threats, intimidation or abuse” includes verbal and nonverbal actions.

**REPORTING AND INVESTIGATION OF REPORTS**

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment, or similar behavior report it immediately to District administrative staff. Students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior may make an oral or written report of bullying, hazing, harassment, or discrimination to teachers, administrators or other school personnel the District deems appropriate. The Building Principal, Superintendent, or the Principal’s or Superintendent’s designee shall be charged with receiving reports of bullying, hazing, harassment, and discrimination . All employees who witness bullying, hazing, harassment, and/or discrimination or receive an oral or written report of such acts, are to promptly verbally notify the principal, superintendent, or their designee, not later than one (1) school day after witnessing or receiving a report of such acts, and must file a written report with the principal, superintendent, or their designee no later than two (2) school days after making such verbal report.

The District will promptly investigate all complaints, whether informal or formal, verbal or written. The Principal, Superintendent, or the Principal’s or Superintendent’s designee shall lead or supervise the thorough investigation of all reports of bullying, hazing, harassment, and discrimination, and ensure that the investigation is completed promptly after the receipt of any written reports. School staff will utilize the flow charts and forms provided pursuant to Policy 5170-R, the Student Harassment and Anti-Bullying Regulation (see exhibit 5170-E, Student Harassment and Bullying Complaint Form). All members of the school community will have access to the Bullying Complaint Forms under Exhibit 5170-E, and complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation.

In the event a Principal is the alleged harasser, the Superintendent of Schools or designee shall conduct an equitable and thorough investigation. In the event the Superintendent of Schools, Board-appointed Officer or a Board member is the alleged harasser, the Board of Education shall designate an independent investigator to conduct an equitable and thorough investigation and report such findings to the Board.

If, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken. This corrective action will be aimed at ending the bullying, hazing, harassment, or discrimination; eliminating any hostile environment; creating a more positive school culture and climate; preventing recurrence of the behavior; and ensuring the safety of the student or students who were the subjects of the bullying, hazing, harassment, or discrimination.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)**  
**Reporting and Investigation of Reports (Continued)**

However, the District cannot guarantee incidences will not recur, and parent(s), student(s), and employee(s) are encouraged to report any further incidents to the Principal as soon as practicable. Consistent with the District's Code of Conduct, measured, balanced, and age-appropriate responses will be taken to instances of bullying, hazing, harassment, and discrimination by students. Remedies and procedures will follow a progressive model that makes appropriate use of intervention, discipline, and education, varying in method according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors.

Upon completion of the investigation, all responding parties will complete the Bullying Determination Forms and subsequent Conduct/Action Plan forms if deemed necessary. The results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Where required, material incidents of bullying and harassment will be reported to the State Education Department in the manner prescribed by the Commissioner. The Principal, Superintendent, or their designee shall promptly notify the appropriate local law enforcement agency when it is believed that any bullying, hazing, harassment, or discrimination constitutes criminal conduct.

Each building principal or his/her designee will submit the state mandated VADIR/DASA reports to the Superintendent of Schools or Superintendent's designee on an annual basis, denoting trends related to any bullying, hazing, harassment, and/or discrimination .

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation.

**NON-RETALIATION**

Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation is strictly prohibited. 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. No district employee shall take, request, or cause a retaliatory action against any such person who, acting reasonably and in good faith, reports or assists in the investigation of bullying. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken. Student violators of the policy may be subjected to disciplinary action in accordance with the Code of Conduct.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)****POLICY IMPLEMENTATION**

The Superintendent of Schools shall implement regulations for reporting, investigating, and addressing allegations of bullying, hazing, harassment, and discrimination .

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program that shall include elements of prevention, intervention and consequences:

**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.

***Prevention will include:***

1. Training for administrators and staff to: promote a positive school environment that is free from bullying, hazing, harassment, and discrimination; discourage and respond to incidents of bullying, hazing, harassment, and discrimination; increase awareness of and sensitivity to the prevalence, causes, social patterns, identification, mitigation, and consequences of bullying, hazing, harassment, cyber-bullying, and discrimination; share strategies for preventing and effectively addressing such behavior, as well as problems of exclusion, bias and aggression in the educational setting; ensure the effective implementation of school policy on conduct and discipline; and include safe and supportive school climate concepts in curriculum and classroom management;
2. Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect, and creating a culture which encourages students to report incidents of bullying and harassment, or similar behavior to an adult;
3. Collaborating with families and the community to inform parents about the prevalence, causes, and consequences of bullying and harassment;
4. Instruction for all students in civility, citizenship and character education, including, but not limited to, principles of honesty, tolerance, personal responsibility, respect for others (with an emphasis on discouraging acts of bullying, hazing, harassment, and discrimination), observance of laws and rules, courtesy, dignity, awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes, and instruction of safe, responsible use of Internet and electronic communications.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)****Intervention**

Intervention by staff is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

***Intervention will include:***

1. Training for school staff on how to respond appropriately to students who engage in bullying or harassing behavior, are victims of such behavior, and are bystanders who report such behavior;
2. Remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence, and protect the victim;
3. Development of nondiscriminatory instructional and counseling methods; and
4. Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, and familial status. This staff member will be designated the Dignity Act Coordinator. The school's Dignity Act Coordinator's contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.
5. Instruction will also be directed at addressing the safe and responsible use of the Internet and electronic communications.

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, or to intervene in accordance with this policy and regulation.

**Consequences**

While the focus of this policy is on prevention, acts of bullying or harassment may still occur. In these cases, appropriate disciplinary actions will be taken in accordance with this policy and with the District's Code of Conduct, as applicable.

***Consequences may include:***

1. Discipline, including suspensions and expulsions consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and
2. Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

**Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)**  
**Consequences (Continued)**

Disciplinary sanctions and corrective actions will take into account the severity of incidents, frequency and duration. Furthermore, possible consequences include, but are not limited to:

- Parent notification
- Written warning
- Parent conference
- Detention
- In School Suspension (ISS)
- Exclusion from school program or activities
- Out of School Suspension (OSS)
- Expulsion
- Consequences as permitted by Board of Education policy and the Code of Conduct.
- Restoration or repayment

This policy shall be included in the code of conduct in plain language, student registration materials, student, parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as a part of the District's summary of the code of conduct.

**Student Safety**

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. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential.

***Provisions for Students Who Do 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. 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.



This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the District's website. A bullying complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

- a. Listing such information in the District's Code of Conduct;
- b. Posting updates of such information on the District's website;
- c. Including such information in the plain language summary of the District's Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
- d. Providing such information to parents and persons in parental relation in a yearly mailing or other method of distribution, such as sending the information home with each student and, if any of the information changes, distributing it as soon as practicable thereafter;
- e. Posting such information in highly-visible areas of school buildings; and
- f. Making such information available at the District and Building-level administrative offices.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with State and Federal law. If changes are needed, revisions will be recommended to the 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).

The Superintendent of Schools shall implement regulations for reporting, investigating, and addressing allegations of bullying, hazing, harassment, and discrimination.

Cross-ref: 2451, Non-Discrimination in Education Programs and Activities  
2452, Sexual Harassment (Title IX)  
2452-R, Sexual Harassment Regulation  
5137, Students with Disabilities Pursuant to Section 504  
District Code of Conduct  
5150. Uniform Violence Incident Reporting  
4000, Staff Development Opportunities

## Student Harassment & Bullying Prevention and Intervention (DASA) (Continued)

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  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)  
*Pollnow v. Glennon*, 594 F.Supp. 220, 224 *aff'd* 757 F.2d. 496  
*Zeno v. Pine Plains* 702 F3rd 655 (2nd Cir. 2012)  
*Cuff v. Valley Central School District* F3rd 109 (2nd Cir 2012)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
*Appeal of K.S.*, 43 Ed. Dept. Rep. 492  
*Appeal of Ravick*, 40 Ed. Dept. Rep. 262  
*Appeal of Orman*, 39 Ed. Dept. Rep. 811

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**STUDENT HARASSMENT AND BULLYING COMPLAINT FORM**

Bullying, Harassment or Intimidation Reporting Form Patchogue-Medford Schools
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**Directions:** Bullying, harassment or intimidation are serious and will not be tolerated. This is a form to report alleged bullying, harassment or intimidation that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school, in the current school year. If you are a student victim, the parent/guardian of a student victim, a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying, harassment or intimidation, complete this form and return it to the Principal at the student victim's school. Contact the school for additional information or assistance at any time.

Bullying, harassment or intimidation means intentional conduct, including verbal, physical or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

\* motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or,

\* threatening or seriously intimidating; and,

\* occurs on school property, at a school activity or event, or on a school bus; or,

\* substantially disrupts the orderly operation of a school.

"Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer or pager.

Today's Date  School

**Person Reporting Incident** (First and Last Name)

Telephone #  E-mail address

Place an "x" in the appropriate box:

☐ Student    ☐ Student (witness/bystander)    ☐ Parent/guardian    ☐ Other Adult    ☐ School staff member

Name of student victim (First and Last Name)  Age

Name(s) of alleged offenders(s) (if known)	Age	School (if known)	Is he/she a student?
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

On what date(s) did the incident happen? Mo/Day/Yr  Mo/Day/Yr  Mo/Day/Yr

Where did the incident happen? (choose all that apply):

☐ On school property    ☐ At a school-sponsored activity or event off school property

☐ On a school bus    ☐ On the way to/from school

Place an "x" next to the statement(s) that best describes what happened (choose all that apply):

☐ Any bullying, harassment or intimidation that involves physical aggression

☐ Getting another person to hit or harm the student

☐ Teasing, name-calling, making critical remarks, or threatening, in person or by other means

☐ Demeaning and pointing inappropriate jokes towards victim

☐ Excluding or rejecting the student

☐ Making rude and/or threatening gestures

☐ Spreading harmful rumors or gossip

☐ Intimidating (bullying), extorting or exploiting

☐ Electronic communications (specify)

☐ Other (specify)

**Student Harassment and Bullying Complaint Form (Continued)**

What did the alleged offender(s) say or do? (Attach a separate sheet if necessary)

Why did the bullying, harassment or intimidation occur? (Attach a separate sheet if necessary)

Did a physical injury result from this incident? Place an "x" next to one of the following:

☐ No    ☐ Yes, but it did not require medical attention    ☐ Yes, and it required medical attention

If there was a physical injury, do you think there will be permanent effects?    ☐ Yes    ☐ No

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

If yes, how many days was the student victim absent from school as a result of the incident?

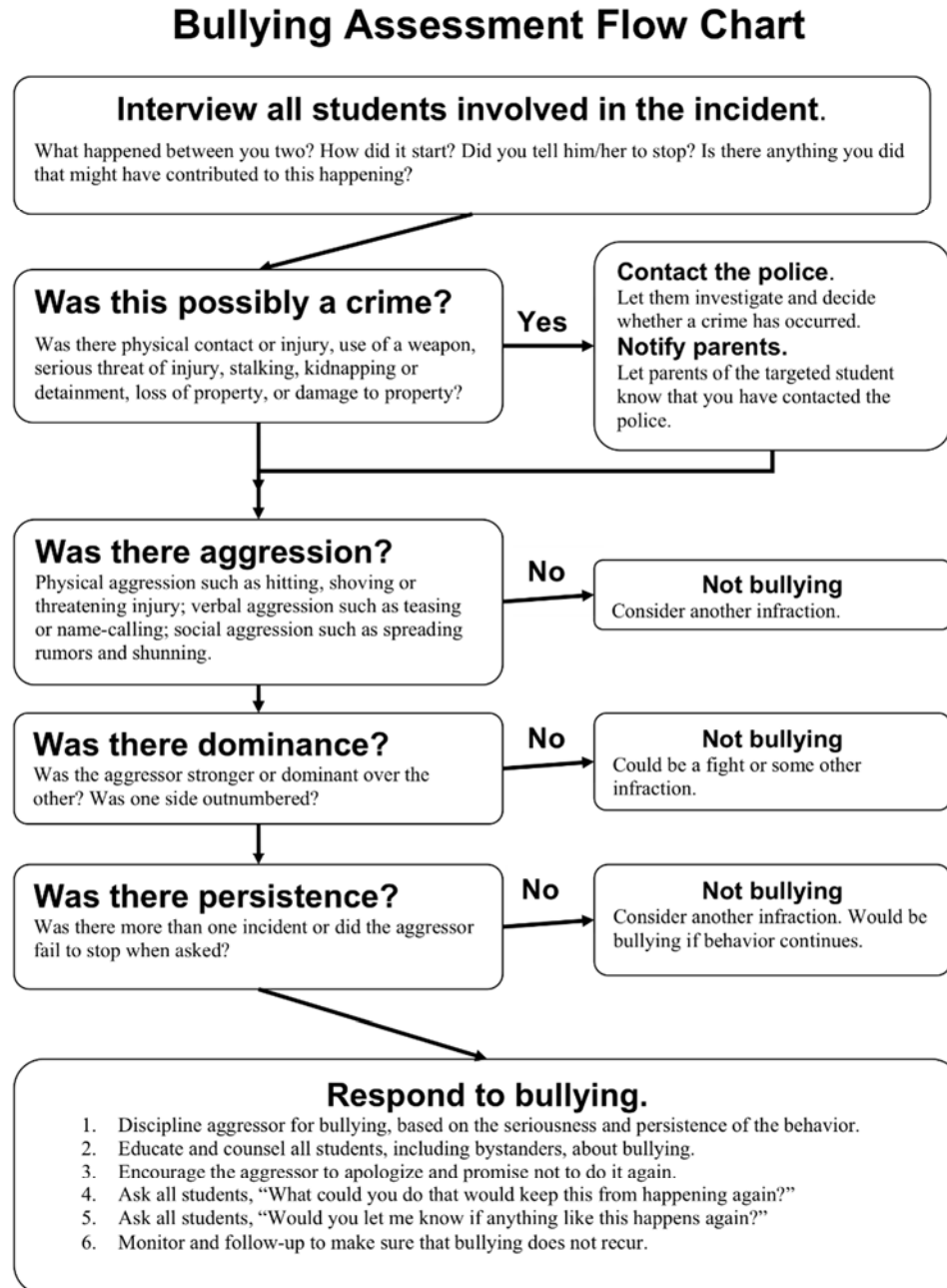
Did a psychological injury result from this incident? Place an "x" next to one of the following:    ☐ No  
☐ Yes, but psychological services have not been sought    ☐ Yes, and psychological services have been sought

Is there any additional information you would like to provide? (Attach a separate sheet if necessary)

Signature

Date

**Student Harassment and Bullying Complaint Form (Continued)**  
**Bullying Assessment Flow Chart**



## **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION**

The Superintendent of Schools hereby implements the following regulation for reporting, investigating, and addressing allegations of bullying, hazing, harassment, and discrimination.

### **INVESTIGATION AND RESOLUTION PROCEDURE**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal or the Building Principal's designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint. In the event a Principal is the alleged harasser, the Superintendent of Schools or designee shall conduct an equitable and thorough investigation. In the event the Superintendent of Schools, Board-appointed Officer or a Board member is the alleged harasser, the Board of Education shall designate an independent investigator to conduct an equitable and thorough investigation and report such findings to the Board.

As soon as possible, but no later than *three school days* following receipt of a complaint, the Building Principal or the Building Principal's designee should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any interim accommodations to ensure their safety pending a resolution of the complaint and following up periodically until the complaint has been resolved. Interim accommodations may include, but are not limited to:
  - 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;
  - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
  - Assignment of a bus monitor.

### **Student Harassment and Bullying Prevention and Intervention Regulation (Continued) Investigation and Resolution Procedure (Continued)**

The District recognizes that there is a need to balance interim 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 and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if interim accommodations need to be changed or discontinued.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

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

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

Appropriate disciplinary action will be recommended and imposed in accordance with District policy, the District's Code of Conduct, the applicable collective bargaining agreement or State law and regulation. The District will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the victim and the accused, notifying them within **three school days** in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Discipline/Penalties* section of this regulation. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

## **Student Harassment and Anti-Bullying Regulation (Continued)**

### **Investigation and Resolution Procedure (Continued)**

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Building Principal or Principal's designee shall take prompt action, 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 such behavior was directed.

If a complaint contains evidence or allegation of serious or extreme bullying, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for State and Federal authorities.

In addition, where the Building Principal or Principal's designee believes that the alleged bullying incident constitutes criminal conduct, they should promptly notify the appropriate local law enforcement authorities and contact the school attorney and appropriate child protection authorities.

Any party who is not satisfied with the outcome of the initial investigation by the Building Principal or the Principal's designee may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### **B. District Level Procedure**

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

The District level investigation should begin as soon as possible ***but not later than three working 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 investigation such complaints.

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



**Student Harassment and Anti-Bullying Regulation (Continued)**  
**Investigation and Resolution Procedure (Continued)**

No later than 15 working days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, 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 the parties with a written status report within 30 days following the receipt of the complaint.

For any appeal of a determination of bullying by the Building Principal, the Superintendent or designee shall review the record of the Building Principal's or the Principal's designee's investigation and determination and whether further investigation is warranted and/or whether the Building Principal or Principal's designee has complied with the District policy and regulation. The Superintendent of Schools or designee shall conduct an investigation if the Building Principal or the Principal's designee did not conduct a thorough investigation or failed to follow District policy or regulation. Upon determining a thorough investigation was completed and the District is in compliance with District Policy and regulation, the Superintendent of Schools shall determine the appeal by advising complainants of the determination in writing.

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 30 days.

**C. 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 will 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 then review such record of the case and render a decision in writing within fifteen (15) school days after the hearing has been concluded.

The District will retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

**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 need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a

**Student Harassment and Anti-Bullying Regulation (Continued)**  
**Confidentiality (Continued)**

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 will inform the complainant that:

1. the request may limit the District's ability to respond to the complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. 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.

**DISCIPLINE/PENALTIES**

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

- 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,

**Student Harassment and Anti-Bullying Regulation (Continued)**  
**Discipline/Penalties (Continued)**

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 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 student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with 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.

Cross-ref: Policy 5137, Students with Disabilities Pursuant to Section 504  
 Policy 5159, Unlawful Harassment and Bullying  
 Exhibit 5170-E, Student Harassment and Bullying Complaint Form

Regulation Adopted:  
 October 24, 2022