

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 mission. This Policy is one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, condemns and prohibits all forms of harassment, bullying, and/or discrimination of students by employees or other students on school property, in school buses, District vehicles, and at all school- or District-sponsored or authorized activities, programs and events, including those that take place at locations outside the District. In addition, acts of harassment, bullying and/or discrimination that occur outside the school setting that impacts the student's education in a way that violates their legal rights or can reasonably be expected to materially and substantially disrupt the educational process, including when done by electronic means (including on social media), may be subject to discipline or corrective action. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a student's actual or perceived race (including traits historically associated with race such as hair texture and protective hairstyles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, sex, economic status, immigration status/ citizenship, military status, age, marital status, pregnancy, or parental status, by employees or other 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, under a predictable and fair grievance process that provides due process protections, and will impose disciplinary measures and implement corrective action when warranted.

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

Definitions

Bullying and Harassment

Bullying and Harassment, under the amended Dignity for All Students Act, have the same meaning: 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 their physical safety;
- c. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or

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- 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.

Bullying/harassment is a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. It may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying/harassment often includes the following characteristics:

- a. Power imbalance - when a bully uses their physical or social power over a target.
- b. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- c. Threat of further aggression - the bully and the target believe the bullying will continue.
- d. Terror - when any bullying increases, it becomes a systematic violence or bullying/harassment/discrimination used to intimidate and maintain dominance.

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.

In order to streamline the wording of this Policy and regulation the term “Harassment” will be used throughout to encompass bullying, harassment, intimidation, discrimination, cyberbullying, and hazing behaviors.

Move definition of harassment to here, since it’s mentioned in Bullying above, or if they’re truly the same definitions, merge to cover both in one section. If they’re the same, can we use one term throughout, and not both/switch back and forth?

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

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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.

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

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

- a. race (including traits historically associated with race, such as hair texture and protective hairstyles),
- 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)
- l. economic status
- m. citizenship

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Dignity Act Coordinators (DAC)**

The Board will appoint a District-level DAC, and will also designate at least one employee to serve as each school building's DAC to receive any reports of Harassment. Each DAC will be:

- a. Approved by the Board;
- 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 (DASA) 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, and other classifications that may be included in this Policy provided annually with training which addresses: the social patterns of harassment, identification and mitigation of harassment, and strategies for effectively addressing problems of exclusion, bias and aggression in the educational setting.

The District will widely disseminate the name, designated school, and contact information of the District DAC and each Building DAC to school personnel, students, and parents/guardians by:

- a. Listing it in the Code of Conduct, with updates posted on the District's website;
- b. Communicating an age-appropriate summary to students at a school assembly at the beginning of each school year;
- c. Including it in the Code of Conduct and the Code of Conduct's plain language summary provided to parents/guardians at by hard or digital means the beginning of each school year or providing it to parents/guardians in at least one District or school communication, If the information changes, parents/guardians will be notified in at least one subsequent District or school communication as soon as practicable thereafter;
- d. Providing new employees with, or digital access to, a complete copy of the current Code of Conduct upon beginning their employment; and
- e. Posting it in highly visible areas of school buildings and making it available at the District and school-level administrative offices.

If a DAC vacates the position, the District will immediately designate another

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eligible employee as an interim DAC, pending Board approval of a successor DAC within 30 days of the date the position was vacated. In the event a DAC is unable to perform their 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, and on how to discourage and respond to harassment incidents. This training may be provided in conjunction with existing professional learning, will be conducted consistent with guidelines approved by the Board, including to:

- a. Raise awareness and sensitivity to potential acts of harassment;
- b. Address social patterns of harassment;
- c. Inform employees on the identification and mitigation of harassment;
- d. Enable employees to prevent and respond to incidents of harassment;
- e. Make employees aware of the effects of bullying/harassment 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.

Internal Reporting and Investigations of Harassment

Any student who believes that they have been the victim of Harassment, any District parents/guardians who believe that their child has been a victim of Harassment, or any student who has knowledge of any other student who has been the victim of Harassment (the "Reporter" or "Complainant") must immediately report such conduct to the Building DAC. If the Building DAC is out or unavailable, or if the Reporter is uncomfortable contacting the DAC directly, the Reporter may instead notify the Principal, Superintendent, or any other staff member.

Within one (1) school day, of witnessing or receiving an oral or written report of Harassment District employees are required to take action by making an oral report promptly to the Building DAC, Principal, District DAC, or Superintendent, and one of those employees must notify the parents/guardians of involved parties, as appropriate.

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No later than **two (2) school days** after making the oral report, the notified employee must notify the Building Principal and file a written report with the District DAC. The DASA form can be found on the District's website, or may be requested by contacting a DAC, Principal, Superintendent or District Clerk. As soon as possible, but no later than **three (3) school days** following the receipt of a written report of Harassment, the DAC, Principal or Superintendent (hereafter referred to as the Investigator) should initiate an investigation, and serve as the liaison with the Reporter, the accused, and their parents/guardians, and will ensure that the investigation is prompt, objective, and thorough. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

This investigation will include:

- a. Reviewing any written documentation provided by the Reporter.
- b. Conducting separate interviews of the target(s), Reporter, accused, and witnesses, if any, and documenting the conversations.
- c. Notifying the accused that if objectionable behavior has occurred, it must cease immediately. The accused 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.

The investigator may seek the assistance of the District's Civil Rights Compliance Officer (CRCO) and/or Title IX Coordinator in investigating, responding to, and remediating complaints of Harassment.

Additionally, other District Policies and documents address Harassment 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 .

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

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CRCO(s) and/or Title IX Coordinator 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 has occurred , the Building DAC, Principal, District DAC or Superintendent 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 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 towards whom the behavior was directed.

The Building DAC, Principal, District DAC or Superintendent will report back to both the Reporter and the individual(s) against whom the complaint was filed, within **three (3) school 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 in compliance with the Family Educational Rights and Privacy Act (FERPA).

The Building DAC, Principal, District DAC or Superintendent will promptly notify the appropriate local law enforcement agency when it is believed that any Harassment and/or discrimination constitutes criminal conduct.

Confidentiality

It is District policy to respect the privacy of all Reporters, and parties and witnesses to harassment/discrimination. 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 Reporters and parties and witnesses in appropriate circumstances to individuals with a need to know. The Investigator will discuss confidentiality standards and concerns with the Reporter and their parent/guardian.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the Investigator will 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.

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If the complainant still requests confidentiality after being given the above notice, 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 Harassment and preventing the Harassment 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 appeal to the Superintendent within 30 days of receipt of the outcome of the investigation.

District-level Procedure

The Superintendent will promptly investigate and endeavor to equitably resolve all harassment complaints that are referred to them on appeal. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will 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 engage individuals who have received formal training regarding such investigations or who have previous experience investigating such complaints.

If a District-level investigation results in a determination that harassment 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 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 will submit all written statements and other materials concerning the case to the Board President.

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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 will render a decision in writing within **fifteen (15) school days** after the review has been concluded.

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

Remediation/Discipline/Penalties

Any individual who violates this Policy by engaging in harassment will be subject to appropriate action, which may include disciplinary action. Remedial responses to harassment 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/guardian 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;

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- d. Targeted use of monitors;
- e. Parent/Guardian 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, applicable law and any applicable collective bargaining agreement or other contract.

Reporting Data on Incidents

Building Principals: Reporting of 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 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.

Publication of District Policy

At least once during each school year, employees, students, and parents/guardians will be provided with, or given access to 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/guardians 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.

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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**

Adopted: June 2, 2021
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