

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education (“Board”) is committed to providing an educational and work environment that promotes respect, dignity and equality for all. The Board recognizes that harassment and bullying are detrimental to student learning and achievement. This behavior both interferes with the mission of the District to educate its students and disrupts the operation of District schools. Such behavior affects not only the students and employees who are its targets, but also those individuals who participate in or witness such acts.

The Board expects students to conduct themselves in an appropriate manner for their respective levels of development, maturity and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment. The Board believes that the most positive school climate is one which is culturally sensitive and which models positive behavioral interactions that clearly show there is no tolerance for antisocial behaviors such as bullying, harassment and discrimination.

To this end, the Board strictly prohibits all forms of harassment by District employees, students and volunteers against students including but not limited to, hazing, bullying, cyber bullying and sexting, which may occur on school grounds, on school buses, while using school property or at off-campus school functions. The Board also strictly prohibits any harassment including hazing, bullying, cyber bullying and sexting that occur off-campus and endangers the health and safety of students or staff members, substantially disrupts the educational process, or creates a reasonably foreseeable risk of such disruption. Conduct which is of such a severe nature that it either has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety, is expressly prohibited. When harassment is of a sexual nature, Board Policy No. 0110 provides additional information and clarification on student, staff and District responsibilities in this area.

Definitions

The following definitions are provided for guidance only. If a student or other individual believes that either an adult or student has engaged in aggressive behavior that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment – regardless of whether it fits a particular definition – he or she should report it and allow District officials to determine the appropriate course of action.

1. “**Bullying**” means the intentional and aggressive behavior that involves an actual or apparent imbalance of power or strength and is usually repeated over time. Bullying may present itself in many forms including, but not limited to:

a. *Physical* – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, or unwelcome physical contact.

b. *Verbal* (oral or written) – taunting, malicious teasing, insulting, name calling, making threats, or engaging in sexual, religious or racial harassment.

c. *Electronically transmitted* – cyber bullying and sexting (as defined herein);

d. *Psychological* – spreading rumors, manipulating social relationships, peer pressuring or coercion, engaging in social exclusion/shunning, extortion or intimidation, dehumanizing gestures, or public humiliation.

2. “**Cyber bullying**” means the use – either on or off school property – of information technology, including but not limited to the Internet, email, instant messaging services, chat rooms, blogs, cell phones, pagers, PDAs, gaming systems and social media websites, to deliberately harass, threaten or intimidate others. Cyber bullying may involve sending mean, vulgar or threatening messages or images; posting sensitive or private information about another person on an Internet site; pretending to be someone else in order to speak harmful untruths about that other person; or intentionally excluding someone from an Internet-based group or activity.

3. “**Disability**” means: (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or (b) a record of such an impairment; or (c) a condition regarded by others as such an impairment. However, for purposes of this Policy, the term “disability” must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

4. “**Discrimination**” means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

5. “**Employee**” means any person receiving compensation from the District. This term also includes any employee of a contracted service provider or worker placed within a public school in the District under a public assistance employment program pursuant to the Social Services Law (Art. 5, Title 9-B), and consistent with the provisions of such law and any applicable contract, provide services involving direct student contact.

6. “**Gender**” means actual or perceived sex and includes a person’s gender identity or expression.

7. “**Harassment**” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The term “harassment” also includes cyber bullying as defined herein.

8. “**Hazing**” means the intentional or reckless commission of an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization whether school sponsored or not, or for any other purpose.

9. “**School Bus**” means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

10. “**School Function**” means a school sponsored extracurricular event or activity that takes place either on or off school property.

11. “**School Property**” means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus.

12. “**Sexting**” means the sending, receiving or forwarding of sexually provocative nude or nearly nude photos through text message, email, or another method of information technology as described in the definition of “cyber bullying,” which can be used to hurt, harass and humiliate others.

13. “**Sexual Orientation**” means actual or perceived heterosexuality, homosexuality or bisexuality.

14. “**Volunteer**” means any person, other than an employee, who provides services to either the District or a public school within the District, which involve direct student contact.

Reporting

In order to effectively enforce this Policy and take prompt corrective action, the Board encourages all victims and persons with knowledge of any type of harassment to report such behavior immediately to any District administrator, dean, teacher, guidance counselor, psychologist, social worker, nurse, or other appropriate staff member. Reports may be made either formally or informally, and either verbally or in writing. Reports may also be made anonymously. However, prior to taking any formal disciplinary action, the District is responsible for verifying the substance of the allegation by conducting an investigation.

Non-Retaliation

State law provides immunity from civil liability for “any person having reasonable cause to suspect that a person has been subjected to discrimination or harassment by an employee or student, on school grounds or at a school function,” and who reports or otherwise discloses such information in good faith to school officials, the Commissioner of Education or law enforcement authorities. In addition, any person who, acting reasonably and in good faith, makes a report pursuant to this Policy, or initiates, testifies participates or assists in formal or informal proceedings arising from a report filed pursuant to this Policy shall be free from any retaliation by the District. However, any person who knowingly and deliberately makes a false report of harassment pursuant to this Policy shall be subject to appropriate disciplinary action.

District Investigations

The District will promptly investigate all complaints made pursuant to this Policy. Reports filed pursuant to this Policy shall remain confidential to the extent possible in accordance with applicable law and District policy. However, limited disclosure may be necessary to complete a thorough investigation or take corrective action. If, after such investigation, a violation of this Policy is discovered, the District will take appropriate corrective and/or disciplinary action.

Consistent with the District’s responsibility to investigate reports of harassment, hazing, bullying and discrimination, the Board permits school and network administrators and their authorized employees to examine, use and disclose any data found on the District’s information networks in order to further the health, safety, discipline or security of any student or other person, or to protect property. Information gathered by these administrators may be used in disciplinary actions, and any evidence of a crime may be furnished to law enforcement.

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Remedial Measures

In response to particular incidents, remedial measures may include, but are not limited to: (a) peer support groups; (b) corrective instruction or other relevant learning or service experience; (c) supportive intervention; (d) behavioral assessment or evaluation; (e) behavioral management plans; and/or (f) student counseling and parent conferences.

Generalized remedial measures may include, but are not limited to: (a) supervisory systems that provide District staff members with prevention and intervention tools; (b) school and community

surveys or other strategies for determining the conditions contributing to the relevant behavior; (c) use of research based, systemic harassment prevention programs; (d) modification of schedules; (e) adjustment in hallway traffic and other student routes of travel; (f) targeted use of monitors; (g) staff professional development; (h) parent conferences; (i) involvement of parent teacher organizations; and/or (j) peer support groups.

Dignity Act Coordinators

The Board shall arrange for at least one District staff member at every school to be thoroughly trained to manage human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. This staff member shall be known as the “Dignity Act Coordinator” (“DAC”).

DAC contact information shall be shared with all school employees, students and persons in parental relation. The DAC’s name, school and contact information will be listed in the plain language of the code of conduct, on the District website and in the District Calendar. The DAC’s contact information will be posted in a highly visible area of each school building and in the District Office. The DAC will participate in training that addresses social patterns of harassment, bullying, and discrimination; training in the identification and mitigation of such conduct, and strategies for addressing problems of exclusion, bias, and aggression in school settings.

Responsibilities of Essential Partners

The Board shall establish mandated training programs for District employees and students to raise awareness of the definitions of harassing behaviors and of the issues surrounding harassment, and to implement preventive measures to help reduce incidents of harassment, hazing, bullying and discrimination.

This training for all staff including administrators will:

- (1) Raise awareness and sensitivity to harassment, bullying and discrimination directed at students by students and/or school employees;
- (2) Enable employees to prevent and respond to such incidents;
- (3) Make employees aware of the effects of such conduct on students;
- (4) Ensures the effective implementation of school policy on school conduct and discipline; and

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- (5) Include safe/supportive “school climate concepts in curriculum and classroom management.

Each year as part of the annual review of the District Code of Conduct, the Board shall review this Policy to assess its effectiveness and compliance with state and federal law. This Policy and a plain language summary thereof shall be published in student registration materials, student, parent, and employee handbooks and posted on the District’s website.

The Superintendent of Schools shall maintain and implement guidelines for reporting, investigating and employing remedial measures in response to allegations of harassment, hazing, bullying and discrimination.

Teachers shall take steps to maintain in their classroom a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' confidence and promote learning. In addition, teachers shall address any personal biases that may exist which prevent equal treatment of all students in the school or classroom setting.

All District employees shall take steps to confront issues of discrimination and harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function that takes place either on or off school property. In addition, all District employees and volunteers shall report incidents of discrimination and harassment that are witnessed or otherwise brought to their attention in a timely manner. All such reports shall be received and reviewed by the District in the manner set forth above.

- Cross-references: Sexual Harassment (Policy No. 0110); District Code of Conduct
- References: 1. N.Y. Education Law §§10-18 (“DASA”), 2801 and 2802; 8 N.Y.C.R.R. §§100.2(c), (l), (gg) and (jj);
2. N.Y. Penal Law §§120.16-120.17 (hazing); §240.25-240.26 (harassment);
 3. Morse v. Fredricks, 551 U.S. 127 (2007);
 4. Hazelwood Sch. Dist. v. Kuhlmeir, 484 U.S. 260 (1988);
 5. Tinker v. Des Moines Indep. Community Sch. Dist., 393 U.S. 503 (1969);
 6. Doninger v. Niehoff, 527 F.3d 41 (2d Cir., 2008);
 7. NYSSBA Model Policy No. 0115, “Harassment, Hazing & Bullying”;

8. SED “Guidance on Bullying and Cyberbullying Prevention” (2010),
www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html;
9. http://criminaljustice.state.ny.us/missing/i_safety/i_intro.htm
(sexting);
10. <http://stopbullyingnow.hrsa.gov/adults/cyber-bullying.aspx>;
11. www.criminaljustice.ny.gov/missing/i_safety/cyberbullying.htm

1st Reading June 19, 2012

2nd Reading & Adoption: July 9, 2012

1st Reading for re-adoption July 8, 2013

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