



Book	Board Policy Manual 2020
Section	7000 Students
Title	Dignity for All Students
Code	7550
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Legal	Education Law §§ 10-18, 801-a, 2801 and 3214 8 NYCRR § 100.2
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**SUBJECT: DISCRIMINATION AND HARASSMENT OF STUDENTS**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, hazing, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, and its implementing regulations, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination of students, such as harassment/bullying and hazing, as defined below, by school employees or students on school property, and at school-sponsored activities and events that take place at locations off school property. In addition, any acts of discrimination, hazing, or bullying/harassment, that take place at locations outside of school grounds, such as cyberbullying, which creates or can reasonably be expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students, are prohibited and may be the subject of discipline.

NOTE: if a Formal Title IX Sexual Harassment Complaint is made under Policy No. 3130, this policy DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, the District may still choose to investigate the alleged sexual harassment under this policy, if the District determines that the alleged sexual harassment may potentially violate this policy.

This policy prohibits discrimination, harassment, hazing, and bullying of students by others in the District's environment, including both students and employees. However, discrimination and harassment of employees and certain non-employees by others, including students, is covered by Policy #3420 and #3420-R, Anti-Discrimination and Anti-Harassment of Employees and Certain Non-Employees, and/or the Formal Title IX Complaint Policy, No. 3130.

**Equal Opportunity and Nondiscrimination**

The Board of Education, its officers, and employees shall not discriminate against any student on the basis of legally protected classes such as, but not limited to: race; color; national origin; creed; religion; marital status; sex (including pregnancy, childbirth or related medical condition); age; sexual orientation; disability (physical or mental); predisposing genetic characteristic; military work or status; domestic violence victim

status; or use of a guide dog, hearing dog, or service dog, as applicable. The District will provide notice of this policy in accordance with federal and state law and regulation. This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities.

#### Discrimination, Harassment, Hazing, and Bullying Prohibited

The Dignity for All Students Act ("DASA") and other state and federal laws prohibit discrimination, harassment, hazing and bullying of students. For the purposes of this policy, the terms "harassment," "hazing," and "bullying" shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that:

- a) is so severe or pervasive that it 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
- b) reasonably causes, or would reasonably be expected to cause, a student to fear for his or her physical safety; or
- 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.

Acts of harassment and bullying shall include, but not be 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, gender expression, gender identity, or sex. For the purposes of this definition the term "threats, intimidation, or abuse" shall include verbal and nonverbal actions.

More detailed definitions can be found in the corresponding regulation, Policy No. 7550-R.

#### Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation, including posting this information on the District's website and in educational facilities.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

#### Training and Prevention Measures

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others," and "dignity" shall include 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.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of

each school year.

#### Intervention Measures

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

Successful intervention may involve remediation. Remedial responses to discrimination, harassment and bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the discrimination, harassing or bullying behavior or environmental approaches which are targeted to the school or District as a whole. In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of discrimination, harassment and 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.

#### Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. 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 in accordance with regulations accompanying this policy. 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.

#### Reports and Investigations of Discrimination and Harassment

Although it can be difficult to step forward, the District can't effectively address discrimination, harassment and bullying if incidents are not reported. Students who have been discriminated against, harassed or bullied, parents whose children have been discriminated against, harassed or bullied or other students who observe such behaviors are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided.

Staff who observe or learn of incident(s) of discrimination, harassment and bullying are required, in accordance with State law, to make an oral report to the Building Principal or Dignity Act Coordinator within one school day and to fill out the District reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, and investigated in accordance with the regulations and procedures accompanying this policy and the District's Code of Conduct. The District Dignity Act Coordinator will prepare a quarterly report for the Superintendent based on complaints filed.

The District will investigate all complaints of harassment and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations.

#### VADIR Reporting

Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system Uniform Violent and Disruptive Incident Reporting System (VADIR) when applicable, in accordance with law and regulation.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the District as a whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

#### Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of discrimination, harassment or bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If

appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Consequences for an employee or third party who has violated this policy will be taken in accordance with the applicable collective bargaining agreement, District policies, and state and federal law.

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 discrimination or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report.

All complainants and those who participate in the investigation of a complaint have the right to be free from retaliation of any kind, when they do so with a good faith belief that a violation of this policy has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a claim of discrimination, harassment, or bullying. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

Dissemination, Monitoring and Review

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

Each year, as part of the annual review of the Code of Conduct, this policy 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).

Ref:

Dignity for All Students Act, Education Law §§10- 18

Americans with Disabilities Act, 42 U.S.C. §12101et seq.

Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000det seq.

Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000eet seq.; 34 CFR §100et seq.

Title IX, Education Amendments of 1972, 20 U.S.C. §1681et seq.; 34 CFR Part 106

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C §§1400et seq.

Executive Law §§290et seq. (New York State Human Rights Law)

Education Law §§313(3), 3201, 3201-a

8 NYCRR §§100.2(c), (1), (jj), (kk); 119.6

Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)

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