

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

### **POLICY**

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, is detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. The behavior affects not only the students who are its targets, but also those individuals who participate and witness the acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Bullying, hazing, harassment or discrimination that takes place at locations outside of school grounds that can be reasonably expected to materially and substantially interfere 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 subject to disciplinary consequences.

### **Definitions**

#### **Bullying**

Bullying is understood to be a hostile activity that harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”) to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - the bully can be older, bigger, stronger, more verbally adept, higher up on the social ladder, of a different race or of a different gender.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.

3. **Threat of further aggression** - the bully and/or the target believe the bullying can and likely will continue.
4. **Terror** - the bully uses systemic violence to intimidate and maintain dominance.

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

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

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes; etc. Cyberbullying is defined as harassment or bullying by any form of electronic communication and includes incidents occurring off school property that create or would foreseeably create a risk of substantial disruption within the school environment.
- 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.
- 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.

### **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).

### **Hazing**

Hazing is an induction, initiation or membership process involving harassment that produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

## **Harassment**

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as 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. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The District is mindful of its responsibilities under the law and in accordance with District policy regarding civil rights protections.

## **Prevention**

Prevention is the cornerstone of the District's effort to address bullying, hazing, harassment and discrimination. The components of such an effort involve the following:

- Following the principles and practices of *Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning*

(*SEDL*) in *New York State* – Adopted by the Board of Regents July 18, 2011. District curriculum will emphasize developing empathy, tolerance and respect for others.

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the District’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

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. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic

groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program in grades K-6.

In order to implement this program, at its annual reorganizational meeting, the Board will designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression and sex as the Dignity Act Coordinator. The role of the Dignity Act Coordinator is to coordinate and enforce this policy. The Dignity Act Coordinator will be responsible for coordinating and enforcing this policy in each school building including, but not limited to, coordination of:

- The work of the building-level committees; and
- Professional development for staff members; and
- The complaint process; and
- Management of the Dignity Act's civility curriculum components.

### **Intervention**

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 bullying, hazing, harassment and discrimination 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 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 bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy.

### **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.

The District recognizes that there is a need to balance accommodations that 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.

### **Training**

Training needs in support of this bullying prevention and intervention program will be reflected in the District's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The bullying prevention coordinator, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying will receive yearly training to support implementation of this policy and on related legal developments.

### **Reporting and Investigation**

Although it can be difficult to step forward, the District cannot effectively address bullying if incidents are not reported. In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report the behavior immediately to the building principal, the building principal's designee of the Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. School employees who witness or receive a report of bullying, hazing, harassment or discrimination must notify the building principal, Superintendent of Schools or Dignity Act Coordinator within one day and must file a written report within two days. At all times, complaints will be documented, tracked and handled in accordance with this

policy, or, if applicable, the District's policies on Equal Opportunity and Nondiscrimination, Harassment and the District's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable. The District will make a bullying complaint form available on its website to facilitate reporting.

The District will promptly and equitably investigate all complaints, formal or informal, verbal or written. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. The results of the investigation will be reported back to both the target and the accused in accordance with the Investigation and Resolution Procedure contained in this policy. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with this policy.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, District policy and state law. Student offenders will receive in-school guidance in making positive choices in their relationships with others. 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 will 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.

If bullying, hazing, harassment or discrimination is found to have taken place, the District will take prompt actions reasonably calculated to end the bullying, hazing, harassment or discrimination, eliminate any hostile environment, and ensure the safety of the student toward whom bullying, hazing, harassment or discrimination was directed.

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; and/or
- Student treatment or therapy.

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; and/or
- 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 Code of Conduct and applicable law.



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

### **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 the 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 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 his/her 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 his/her 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.

## **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 preliminary review and investigation. Except in the case of severe or criminal conduct, the building principal, the building principal's designee or the Dignity Act Coordinator will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than five business days following receipt of a complaint, the building principal, the building principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must immediately cease. The individual will be made aware of remediation opportunities, as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

Accommodations may include, but are not limited to:

- A "permanent" hall pass that allows the student to visit a designated adult at any time;
- Access to private bathroom 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.

The District recognizes that there is a need to balance accommodations that 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 accommodations need to be changed or discontinued.

Parents of student targets 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 target;
- 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 applicable collective bargaining agreement or state law. The District will make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator will report back to both the target and the accused, notifying them 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 Disciplinary Consequences/Remediation section of this policy. The target will report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent of Schools. 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, the building principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent of Schools, who will then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent of Schools within 30 days. If the Superintendent of Schools conducted the initial investigation, the District-level Procedure will be bypassed and any party who is not satisfied with the outcome of the initial investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

#### B. District-level Procedure

The Superintendent of Schools or his/her designee will promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent of Schools following an initial investigation. In the event the complaint involves the Superintendent of Schools, 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 five business days following receipt of the complaint by the Superintendent of Schools or Board President.

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

If a District level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the Disciplinary Consequences/Remediation section of this policy.

No later than 30 days following receipt of the complaint, the Superintendent of Schools (or in cases involving the Superintendent of Schools, the Board-appointed investigator) will notify the target 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 of Schools or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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

#### C. Board-level Procedure

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

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

The Board will render a decision in writing within 15 days after the hearing has been concluded.

The District will retain documentation associated with complaints and investigations in accordance with New York State Department of Education's Schedule ED-1.

#### **Non-Retaliation**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal and, therefore, subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes, but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

#### **Dissemination, Monitoring, Review, and Reporting**

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. Building principals will be responsible for informing students and staff on an annual basis of the terms of this policy, including the

procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

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 Board will receive the annual VADIR report, for each building and for the District as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. 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.

The District will ensure that reporting of information to the public will be in a manner that complies with student privacy rights pursuant to the Family Educational Rights and Privacy Act (FERPA).

#### BOARD OF EDUCATION

ADOPTED: July 9, 2012

REVISED: June 14, 2017

## BULLYING, HAZING, HARASSMENT OR DISCRIMINATION COMPLAINT FORM

The purpose of this form is to inform the District of an incident or series of incidents of bullying, hazing, harassment or discrimination so we can investigate and take appropriate steps. **If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with (insert name \_\_\_\_\_) by either visiting room \_\_\_\_ or calling \_\_\_\_\_ as soon as possible so we can address your concerns.**

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Describe the incident(s). Please include when and where it happened.

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List the name(s) of the individual(s) accused of bullying, hazing, harassment and/or discrimination.

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Were there any witnesses? \_\_\_Yes \_\_\_No If yes, please list the names of the individual(s).

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*I certify that all statements on this form are accurate and true to the best of my knowledge.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please attach any supporting documentation (e.g., copies of emails, notes, photos, etc.).

Return this form to:

Note on confidentiality:

In order to investigate the complaint, the District will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.