



## Regulation of the Chancellor

Number: **A-832**

Subject: **STUDENT-TO-STUDENT DISCRIMINATION, HARASSMENT, INTIMIDATION AND/OR BULLYING**

Category: **STUDENTS**

Issued: **October 23, 2019**

### SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-832, dated August 21, 2013. It establishes a procedure for the filing, investigation, and resolution of complaints of student-to-student discrimination, harassment, intimidation, and/or bullying.

#### Changes

- Clarifies the language in the Department of Education's ("DOE's") policy with respect to student-to-student discrimination, harassment, intimidation and/or bullying. (Section I. A-F)
- Clarifies the DOE's policy regarding retaliation and that any adverse act against individuals due to their participation in the reporting or investigation of student-to-student discrimination, harassment, intimidation and/or bullying is considered retaliatory. Retaliation will be investigated and subject to appropriate disciplinary action. (Section I. B)
- Clarifies the definition of bullying and harassment. (Section I.E)
- Clarifies that discrimination, harassment, intimidation and/or bullying may be a single incident or a series of related incidents. (Section I.F)
- Expands the examples of behavior which may constitute discrimination, harassment, intimidation and/or bullying. (Section I.F.2 )
- Clarifies that the Respect for All ("RFA") liaison must be a licensed administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker who works in the school full-time. (Section II. B)
- Updates the Complaint/Reporting form for making a written report of alleged student-to-student discrimination, harassment, intimidation and/or bullying and replaces Attachment 2 with a hyperlink/url. (Section II.C)
- Provides that the principal/designee must ensure that hard copies of the Complaint/Reporting form are readily available. (Section II.C)
- Provides that students, parents, and individuals other than staff may report student-to-student discrimination, harassment, intimidation and/or bullying verbally or in writing, including by submitting the Complaint/Reporting form, to the principal/designee, RFA liaison, or any other school staff member, or via the online portal. (Section II.D)

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- Clarifies that students who believe that they have been the victim of discrimination, harassment, intimidation and/or bullying by another student or who witness or have information about such incidents should immediately report the incident. (Section II.E)
- Clarifies that students, parents and individuals other than staff may make an anonymous report alleging student-to student discrimination, harassment, intimidation and/or bullying and such reports will be investigated and addressed pursuant to the procedures set forth in this regulation to the extent possible in light of the information provided by the anonymous reporter. (Section II.G )
- Provides that the RFA liaison must immediately notify the principal/designee of any report of student-to-student discrimination, harassment, intimidation and/or bullying that they receive. (Section II. H)
- Provides that the principal/designee must ensure that all written reports alleging student-to-student discrimination, harassment, intimidation and/or bullying are maintained in the investigative file at the school. (Section II.I )
- Clarifies that all reports of student-to student discrimination, harassment, intimidation and/or bullying must be entered into the Online Occurrence Reporting System (“OORS”) within one (1) school day of receipt of the report. (Section II.J)
- Provides that the principal/designee must notify the parents of the alleged victim and of the accused student immediately but no later than two (2) school days following receipt of a report alleging student-to-student discrimination, harassment, intimidation and/or bullying. (Section II.K)
- Clarifies that if a report of student-to-student discrimination, harassment, intimidation and/or bullying cannot be investigated at the school level due to the nature and seriousness of the allegation(s), the principal/designee must consult with the Office of Safety and Youth Development (“OSYD”). (Section II.M)
- Clarifies that the principal/designee must investigate reports of student-to-student discrimination, harassment, intimidation and/or bullying within five (5) school days of receipt of the report. (Section III.A)
- Provides that all parties and all witnesses must be interviewed separately when the principal/designee conducts an investigation, any investigative notes must be maintained, and the date of each interview must be documented. (Section III.A)
- Clarifies that the principal/designee must obtain any relevant evidence, including video surveillance and audio recordings, as part of the investigation and should refer to the DOE’s guidance on how to deal with inappropriate cyber-content and consult with their Borough Safety Director and Senior Field Counsel, if necessary. (Section III.A.6)
- Clarifies that at the conclusion of the investigation, the principal/designee must review all of the evidence and determine whether the allegations were substantiated by a preponderance of the evidence. (Section III.B)
- Clarifies that the principal/designee must determine whether the conduct violates the regulation and provides additional factors to consider in making this determination. (Section III.C)

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- Provides that at the conclusion of the investigation, the principal/designee must enter the following information into OORS: the investigative findings; a determination of whether the allegations have been substantiated; and a determination of whether the behavior constitutes a violation of this regulation. This must be entered into OORS within ten (10) school days of receipt of the report of alleged discrimination, intimidation, harassment and/or bullying, absent extenuating circumstances. (Section III. D)
- Provides that the principal/designee must advise the parent(s) of the alleged victim and the parent(s) of the accused student in writing whether any allegations are substantiated and whether the conduct constitutes a violation of this regulation. If any of the allegations are substantiated, this notice must also advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports for their child, where applicable. Provides that this notification must be made within ten (10) school days of receipt of the report, absent extenuating circumstances. If a decision was made not to notify the parents of the alleged victim as set forth in the regulation, such parents shall also not be advised of this information. (Section III.E)
- Provides that the notification to parents of the outcome of the investigation shall be provided in accordance with state and federal laws protecting the confidentiality of student record information. (Section III.F)
- Provides that if at any time before or during the course of the investigation, the principal/designee determines that interventions and supports are appropriate before the final outcome of any investigation to ensure the safety or the well-being of a student (including the alleged victim, the accused student and any witnesses), the parent must be notified and appropriate interventions and supports must be implemented and monitored, and modified where appropriate. (Section III.G)
- Provides that following completion of the investigation, interventions and supports must be provided to the victim, the accused student, and witnesses, where appropriate, and that such interventions and supports must be assessed on a case-by-case basis and must be monitored and modified, as appropriate. (Section IV.B)
- Provides additional examples of interventions and supports. (Section IV.B)
- Provides that an individual support plan must be developed and implemented for a student who has been the victim of two (2) or more substantiated violations of this regulation in the same school year and/or a student who has been found to have violated this regulation two (2) or more times in the same school year. (Section IV.B)
- Clarifies that neither mediation nor conflict resolution is under any circumstances an appropriate intervention for bullying or intimidation and references the Citywide Behavioral Expectations to Support Student Learning (“Discipline Code”) and Chancellor’s Regulations A-101 and A-449 for additional information on interventions and supports and the policies and procedures for obtaining a transfer. (Section IV.B)

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- Clarifies that students who have been found to have violated this regulation will be subject to appropriate disciplinary responses in accordance with the Discipline Code and the procedures and requirements set forth in Chancellor’s Regulation A-443(Section IV C).
- Provides that the principal/designee must enter all interventions and supports offered to the parties and witnesses and all disciplinary responses taken with respect to the student(s) found to have engaged in prohibited conduct into the Suspensions and Office of Hearings Online System (“SOHO”) through OORS. (Section IV.D)
- Added the word “Prevention” to the section heading. (Section V)
- Clarifies that each school must annually distribute or make electronically available the written material prepared by OSYD highlighting the policies and procedures set forth in this regulation, including the procedures for how to make a report, to all school staff, parents and students. (Section V.B)
- Provides that each principal/designee must ensure that the name and contact information of the RFA liaison(s) are included on the school’s website and shared with students and parents at least once per year, including but not limited to through electronic communication or sending such information home with students. (Section V.C)
- Clarifies that a copy of this regulation must be made available to parents, school staff and students upon request. (Section V.G)
- Clarifies that the names of the RFA liaisons must be updated as appropriate in the school’s Consolidated School and Youth Development Plan. (Section VI.A)
- Provides that each principal must confirm in the Consolidated School and Youth Development Plan that the agenda, signed attendance rosters and a copy of all training material to document the annual staff training required by the regulation are on file at the school. (Section VI.E)
- Clarifies that information regarding reports made under this regulation may be disclosed as required by law or where necessary to protect a student whose safety or well-being is at risk. (Section VII)
- Updates Attachment 1, Summary of Prohibited Discrimination and Bias-Based Harassment, Intimidation and/or Bullying.
- Replaces Attachment 3, RFA poster, with a hyperlink/url.
- Replaces Attachment 4, RFA brochure, with a hyperlink/url.
- Names of offices have been updated.



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### ABSTRACT

It is the policy of the New York City Department of Education (“DOE”) to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation and/or bullying committed by students against other students and discrimination by students against other students on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight. Such discrimination, harassment, intimidation and/or bullying is prohibited and will not be tolerated in school, during school hours, before or after school, while on school property, at school-sponsored events, while traveling in vehicles funded by the DOE or off school property when such behavior disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals, or welfare of the school community. This regulation sets forth reporting, investigative, notification, and follow-up procedures for student-to-student discrimination, harassment, intimidation and/or bullying. Students who have engaged in behavior which violates this regulation will receive interventions, supports, and disciplinary responses, as appropriate, consistent with the Citywide Behavioral Expectations to Support Student Learning (“Discipline Code”) and Chancellor’s Regulation A-443. Victims and witnesses will receive interventions and supports as appropriate. For complaints of peer sexual harassment, please refer to Chancellor’s Regulation A-831.

### I. POLICY

- A. It is the policy of the DOE to maintain a safe and supportive learning and educational environment that is free from discrimination, harassment, intimidation and/or bullying committed by students against other students. Discrimination, harassment, intimidation, and/or bullying are prohibited in school, while on school property,

during school hours, before or after school, at school-sponsored events, or while traveling in vehicles funded by the DOE. Such behavior is also prohibited off school property when it disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals, or welfare of the school community.

- B. It is the policy of the DOE to prohibit retaliation against any student, parent, or DOE employee who in good faith reports or participates in an investigation of allegations of student-to-student discrimination, harassment, intimidation and/or bullying. Any adverse act against individuals due to their participation in such protected activity is considered retaliatory. Retaliation will be investigated and subject to appropriate disciplinary action if substantiated. The term “parent,” whenever used in this regulation, means the student’s parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if the student is an emancipated minor or has reached 18 years of age.
- C. It is a violation of this regulation for any student to harass, intimidate or bully another student.
- D. It is a violation of this regulation for any student to discriminate against another student on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight. The Summary of Prohibited Discrimination and Bias-Based Harassment, Intimidation and/or Bullying is found in Attachment No. 1.
- E. Harassment and bullying are the creation of a hostile school environment for another student by conduct or by threats, intimidation, or abuse, including cyberbullying, that:
  - 1. have or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or ability to participate in or benefit from an educational program, school- sponsored activity or any other aspect of a student’s education; or
  - 2. have or would have the effect of unreasonably and substantially interfering with a student’s mental, emotional, or physical well-being; or
  - 3. reasonably cause or would reasonably be expected to cause a student to fear for their physical safety; or
  - 4. reasonably cause or would reasonably be expected to cause physical injury or emotional harm to a student.

Acts of harassment and bullying include but are not limited to harassment, intimidation and/or bullying on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.

F. . Discrimination, harassment, intimidation and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents.

1. Written conduct includes electronically transmitted communication via information technology including, but not limited to: Internet; cell phone; email; personal digital assistant; wireless handheld device; social media; blogs; chat rooms; and gaming systems.
2. Acts of discrimination, harassment, intimidation and/or bullying may include but are not limited to:
  - physical violence;
  - stalking;
  - threats, taunts, teasing;
  - aggressive or menacing gestures;
  - exclusion from peer groups designed to humiliate or isolate;
  - using derogatory language;
  - making derogatory jokes, name calling, or slurs, including statements based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight;
  - written or graphic material, including graffiti, photographs, drawings, or videos, containing comments or stereotypes that are derogatory of others that are electronically circulated or are written or printed;
  - verbal or physical conduct that threatens another with harm;
  - hazing; and
  - deliberately using a name, mispronouncing a name or using a pronoun in a manner that discriminates, harasses, bullies, or intimidates based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight;

## II. REPORTING PROCEDURES

- A. “Report” as used in this regulation means a report of alleged student-to-student discrimination, harassment, intimidation and/or bullying reported by the alleged victim or others (e.g., staff, parents, other students).
- B. Each principal must designate at least one (1) staff member to serve as a Respect for All liaison (“RFA liaison”) to whom reports can be made and who serves as a resource for students and staff. The RFA liaison must be a licensed administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker who works at the school full-time.
1. At all times, there must be at least one (1) RFA liaison in the school who has received the training set forth in Section V.E-F. In the event an RFA liaison vacates their appointment, the principal must ensure that an RFA liaison has been appointed and received such training within thirty (30) days. In the interim, the principal must immediately designate an interim RFA liaison.
  2. In the event an RFA liaison is temporarily unable to perform their duties in the school for an extended period of time, and there is no other RFA liaison, the principal must designate another person to serve on an interim basis until the RFA liaison returns.
- C. Any staff member who witnesses student-to-student discrimination, harassment, intimidation and/or bullying or who has knowledge or information or receives notice that a student may have been the victim of such behavior by another student is required to promptly verbally report the alleged act to the RFA liaison(s) or to the principal/designee within one (1) school day and submit the Complaint Reporting Form (available at [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491\\_6](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491_6)) describing the incident to the RFA liaison or the principal/designee no later than two (2) school days after making the verbal report. The principal/designee must ensure that hard copies of the Complaint Reporting Forms (available at [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491\\_6](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491_6)) are readily available.
- D. Students, parents, and individuals other than staff may report allegations of student-to-student discrimination, harassment, intimidation and/or bullying verbally or in writing, including by submitting the Complaint Reporting Forms (available at [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491\\_6](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491_6))



to the principal/designee, RFA liaison, or any other school staff member, or via the online portal (available at <https://www.nycenet.edu/bullyingreporting>).

- E. Students who believe that they have been the victim of discrimination, harassment, intimidation and/or bullying by another student or who witness or have information of such incidents should immediately report such incidents.
- F. If a student or parent has concerns about making a report to the school, the student/parent may contact the Office of Safety and Youth Development (“OSYD”) by e-mailing the report to [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov). Examples of circumstances where this might be appropriate include: if the student/parent is not sure the behavior is covered by the regulation; if the student/parent previously made a report and the behavior has continued; or if the student/parent is concerned about coming forward. In such circumstances, OSYD will determine the appropriate follow-up action consistent with this regulation.
- G. Students, parents and individuals other than staff may make an anonymous report, and such reports will be investigated and addressed pursuant to the procedures set forth in this regulation to the extent possible in light of the information provided by the anonymous reporter.
- H. The RFA liaison must immediately notify the principal/designee of any reports they receive.
- I. The principal/designee must ensure that all written reports [e.g., emails, reports made using the Complaint Reporting Form (available at [https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491\\_6](https://cdn-blob-prd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491_6))] are maintained in the investigative file at the school.
- J. The principal/designee must enter all reports into the DOE’s Online Occurrence Reporting System (“OORS”) within one (1) school day of receipt of the report and promptly investigate as set forth in Section III.
- K. The principal/designee must advise the parent(s) of the alleged victim and the accused student of the allegations whenever a report is received. Such notification must be made immediately but no later than two (2) school days following receipt of the report by the principal/designee. If the alleged victim informs the principal/designee of safety concerns in regard to such notification, the principal/designee shall decide whether to inform the alleged victim’s parent(s) following consideration of privacy and safety concerns. The principal/designee may consult with their Senior Field Counsel in making this decision.

- L. Where the principal/designee believes that the alleged conduct constitutes criminal activity, they must contact the police. The principal/designee may consult with their Senior Field Counsel and/or the Borough/Citywide Office, Director of Student Services.
- M. If the report cannot be investigated at the school level due to the nature and seriousness of the allegation(s), the principal/designee must consult with OSYD.

### **III. INVESTIGATION**

- A. All reports must be investigated. All parties and all witnesses must be interviewed separately, any investigative notes must be maintained, and the date of each interview must be documented. The principal/designee must take the specific investigative steps set forth below as soon as practicable, but no later than five (5) school days after receipt of the report:
  - 1. interview the alleged victim;
  - 2. ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when and where it took place and who may have witnessed it;
  - 3. interview the accused student and advise them that if the conduct has occurred, it must cease immediately;
  - 4. ask the accused student to prepare a written statement;
  - 5. interview any witnesses and obtain their written statements; and
  - 6. obtain any relevant evidence (e.g., video surveillance or audio recordings). The principal/designee should refer to DOE guidance on how to deal with inappropriate cyber-content and consult with their Borough Safety Director and Senior Field Counsel, if necessary.
- B. At the conclusion of the investigation, the principal/designee must review all the evidence and determine whether the allegations are substantiated by a preponderance of the evidence (i.e., whether based upon a review of all of the evidence, including the quality of the evidence and the credibility of the parties and witnesses, it is more likely than not that the alleged conduct occurred.)
- C. If the allegations are substantiated, the principal/designee must also determine whether the conduct violates this regulation. In making this determination the principal/designee must evaluate the totality of the circumstances surrounding the conduct. The principal/designee should consider a number of factors, which may include but are not limited to:

- the ages of the parties involved;
  - the nature, severity and scope of the behavior;
  - the frequency and duration of the behavior;
  - the number of persons involved in the behavior;
  - the context in which the conduct occurred;
  - where the conduct occurred;
  - whether there have been other incidents in the school involving the same students;
  - whether the conduct adversely affected the victim’s education, including attendance, academic performance or participation in extracurricular activities;
  - whether the conduct has affected the victim’s behavior or social interactions in school;
  - whether concerns have been expressed about the victim’s safety; and
  - whether the victim’s mental, emotional or physical well-being have been impacted.
- D. At the conclusion of the investigation, the principal/designee must enter the following information into OORS: the investigative findings; a determination of whether the allegations have been substantiated; and a determination of whether the conduct constitutes a violation of this regulation. This information must be entered into OORS within ten (10) school days of receipt of the report, absent extenuating circumstances.
- E. The principal/designee must advise the parent(s) of the alleged victim and the parent(s) of the accused student in writing whether any allegations are substantiated and whether the conduct constitutes a violation of this regulation. If any of the allegations are substantiated, this notice must also advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports for their child, where applicable. Parents must be advised within ten (10) school days of receipt of the report, absent extenuating circumstances. If a decision was made not to notify the parents of the alleged victim as set forth in Section II.K, such parents shall also not be advised of the information set forth in this paragraph.
- F. The information set forth in Section III.E shall be provided in accordance with state and federal laws protecting the confidentiality of student record information. Therefore, the parents of the alleged victim may only be notified of any follow-up action, interventions or supports that pertain to the alleged victim and the parents of the accused student may only be notified of any follow-up action, interventions or supports that pertain to the accused student.

- G. If at any time before or during the course of the investigation, the principal/designee determines that interventions and supports are appropriate before the final outcome of an investigation to ensure the safety or the well-being of a student (including the alleged victim, the accused student and any witnesses), the student's parent must be notified, and appropriate interventions and supports should be implemented and monitored, and modified where appropriate, as set forth in Section IV.

#### **IV. FOLLOW-UP ACTION**

- A. The principal/designee must take immediate steps and appropriate follow-up action to ensure that the conduct has stopped.
- B. Once the investigation is completed and a determination is made, as set forth in Section III, interventions and supports must be provided to the victim, the accused student, and witnesses, where appropriate. Such interventions and supports must be assessed on a case-by-case basis and must be monitored and modified, as appropriate. Interventions and supports include but are not limited to the following:
- Referral to the school social worker, guidance counselor, psychologist, or other appropriate school staff, or referral to community-based agencies, for counseling, support, and/or education or mental health services;
  - Academic supports and adjustments (e.g., change in classes, lunch/recess, or after-school program schedules);
  - Development of an individual support plan (an individual support plan must be developed and implemented for a student who has been the victim of two (2) or more substantiated violations of this regulation in the same school year and/or a student who has been found to have violated this regulation two (2) or more times in the same school year )

Additional information about supports and interventions can be found in the Discipline Code. Neither mediation nor conflict resolution is under any circumstances an appropriate intervention for bullying or intimidation. (Also see Chancellor's Regulation A-101 and A-449 which set forth the policies and procedures for obtaining a transfer if a transfer may be appropriate.)

- C. Students who have been found to have violated this regulation will be subject to appropriate disciplinary responses in accordance with the Discipline Code and the procedures and requirements set forth in Chancellor's Regulation A-443.

- D. The principal/designee must enter all interventions and supports offered to the parties and witnesses and all disciplinary responses taken with respect to the student(s) found to have engaged in the prohibited conduct into the Suspensions and Office of Hearings Online system (“SOHO”) through OORS.

**V. PREVENTION, NOTIFICATION and TRAINING**

- A. Each school must conspicuously post “Respect for All” posters (available at <https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all/respect-for-all-handouts>) in locations deemed highly visible to students, parents and staff. The posters must contain the name of the RFA liaison(s).
- B. Each school must annually distribute or make electronically available the written material prepared by OSYD highlighting the policies and procedures set forth in this regulation, including the procedures for how to make a report, (available at <https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all/respect-for-all-handouts>) to all school staff, parents and students. Parents/students entering the school during the school year must receive this information upon enrollment.
- C. Each principal/designee must ensure that the name and contact information of the RFA liaison(s) are included on the school’s website and shared with students and parents at least once per year, including but not limited to through electronic communication or sending such information home with students.
- D. Each principal/designee must ensure that students have been provided with information and training on the policy and procedures in this regulation by October 31 of each school year.
- E. Each principal must ensure that all staff members, including non-instructional staff, are provided with training on the policy and procedures in this regulation by October 31 of each school year. Such training must address:
  - 1. Raising awareness and sensitivity to potential acts of discrimination, harassment, intimidation, and bullying directed at students, including, but not limited to, those acts based on a student’s actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight;
  - 2. The identification and mitigation of discrimination, harassment, intimidation, and bullying;
  - 3. The social patterns of discrimination, harassment, intimidation, and bullying;

4. Preventing and responding to incidents of discrimination, harassment, intimidation, and bullying;
  5. Understanding the effects of discrimination, harassment, intimidation, and bullying and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings; and
  6. Promoting a safe and supportive school climate, including incorporating the concepts into classroom activities.
- F. Each principal must ensure that, in addition to the school training set forth in Section V.E, at least one (1) RFA liaison completes the RFA mandated training developed by OSYD which addresses: 1) human relations in the areas of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability and weight, and 2) the issues set forth in Section V.E.
- G. A copy of this regulation must be made available to parents, school staff and students upon request.

#### **VI. CONSOLIDATED SCHOOL AND YOUTH DEVELOPMENT PLAN**

Each principal must submit the following information in its annual Consolidated School and Youth Development Plan by October 31 of each school year:

- A. The name of the RFA liaison(s). This information must be updated as appropriate.
- B. Certification that at least one (1) RFA liaison has or will receive the training set forth in Section V.F.
- C. Certification that students have been provided with information and training on the policy and procedures in this regulation.
- D. Certification that staff members, including non-instructional staff, have been provided with the information and training set forth in Section V.E.
- E. Confirmation that the agenda, signed attendance rosters and a copy of all training materials to document the annual staff training required by Section V.E are on file at the school; and
- F. A plan for preventing and addressing bias, harassment, intimidation, and/or bullying.

#### **VII. CONFIDENTIALITY**

It is the policy of the DOE to respect the privacy of all parties and witnesses to reports made under this regulation. However, the need for confidentiality must be balanced against the obligation to cooperate with police investigations, to provide due process, and/or to take necessary action to investigate or resolve the report. Therefore,

information regarding the report may be disclosed in appropriate circumstances or as required by law or where necessary to protect a student whose safety or well-being is at risk.

**VIII. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Office of School and Youth Development

NYC Department of Education

52 Chambers Street – Room 218

New York, NY 10007

Telephone: (212) 374-6807

Facsimile: (212) 374-5751

[RespectForAll@schools.nyc.gov](mailto:RespectForAll@schools.nyc.gov)

*Title IX Coordinator*

[Title IX Inquiries@schools.nyc.gov](mailto:Title_IX_Inquiries@schools.nyc.gov)

Telephone: 718-935-4987

**SUMMARY OF PROHIBITED DISCRIMINATION AND BIAS-BASED HARASSMENT, INTIMIDATION  
AND/OR BULLYING**

It is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from discrimination, harassment, intimidation and/or bullying committed by students against other students including discrimination, harassment, intimidation, and/or bullying on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight. Such discrimination, harassment, intimidation and/or bullying is unacceptable conduct and will not be tolerated in school, during school hours, before and after school, while on school property, at school-sponsored events, while traveling in vehicles funded by the Department of Education or off school property when such behavior disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morality or welfare of the school community. Students found guilty of violating this regulation will be subject to appropriate disciplinary responses and interventions and supports consistent with the Discipline Code and **Chancellor's Regulation A-443**. Please refer to **Chancellor's Regulation A-831** for complaints of peer sexual harassment.

The following is intended to provide guidance to staff and students in identifying bias-based behavior.

**Citizenship/Immigration Status:** actual or perceived immigration status or status as a citizen of a country other than the United States of America.

**Disability:** actual or perceived disability, or history of disability. The term “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.

**Ethnicity/National Origin:** actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers may come from one nation. The term “national origin” includes members of all national groups and groups of persons of common ancestry, heritage or background; it also includes individuals who are married to or associated with a person or persons of particular national origin.

**Gender:** actual or perceived gender, pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment.

The term “gender” includes a person’s actual or perceived gender identity and gender expression, meaning their self-image, appearance, behavior, expression, or other gender-



related characteristic, regardless of the sex assigned to that person at birth. Gender discrimination includes but is not limited to the use of names or pronouns in a manner that discriminates (e.g. deliberately using a pronoun that is not consistent with the student's gender identity asserted at school or other DOE program or activity).

**Race/Color:** actual or perceived race or color. Race includes traits historically associated with race, including but not limited to, hair texture and protective hairstyles. Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks and twists.

**Religion/Creed:** actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion).

**Sexual Orientation:** actual or perceived sexual orientation. The term sexual orientation means an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

**Weight:** actual or perceived weight.