

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (Formerly Bullying, Peer Abuse in the Schools)

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, are 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. Such behavior affects not only the students who are its targets, but also those individuals who participate and witness such 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.

DEFINITIONS

BULLYING: Bullying is understood to be a hostile activity which 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 often includes the following characteristics: Power imbalance; intent to harm; threat of further aggression; and terror. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

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 which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

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 an act against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/or verbal threats, intimidation or abuse, including cyberbullying, of such a severe nature that 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 conduct, verbal threats, intimidation or abuse that reasonably

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (Formerly Bullying, Peer Abuse in the Schools)

causes or would reasonably be expected to cause a student to fear for his or her physical safety or emotional harm; or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment; or where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Such conduct shall include, but is not limited to, threats, intimidation or abuse based on 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).

While the above groups are specified in New York State regulations, the district values each and every member of our school district, and this policy ensures that all students are free from being harassed. 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.

CYBERBULLYING: Harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication which includes, but is not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communication transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, chat rooms, blogs, instagram and twitter.

Prevention

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 their responsibility to become actively involved in the prevention of bullying before overt acts occur.

A course of instruction in grades kindergarten through twelve on civility, citizenship and character education will be provided and will include a component raising 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.

In order to implement this program, the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC). The role of the DAC is to coordinate and enforce this policy. In addition, the Superintendent will establish a district-wide Dignity Act Task Force, as well as Dignity Act Building-level Coordinating Committees in each school that will be overseen by the DAC. Committees

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (Formerly Bullying, Peer Abuse in the Schools)

will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

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 and harassment 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 and regulation.

Provision 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 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. Therefore, each case will be handled individually. 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

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC and the district's

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (Formerly Bullying, Peer Abuse in the Schools)

professional development team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Reporting and Investigation

Although it can be difficult to step forward, the district cannot effectively address bullying if incidents are not reported. 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. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or if applicable, §6122, Equal Opportunity and Non-Discrimination policy; §6121, Sexual Harassment; §7531, Sexual Harassment/Students and §7310, Code of Conduct. If a staff member is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor.

There shall be a duty for all school personnel to report any incidents of student-to-student, staff-to-student, and student-to-staff bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. 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.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

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. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action 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

POLICY

2013

7315
5 of 5

Students

SUBJECT: STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION (Formerly Bullying, Peer Abuse in the Schools)

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.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring, Review and Reporting

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. The district will ensure that the process of reporting bullying is clearly explained.

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.

Dignity for All Students Act, Education Law §§10-18
Rehabilitation Act of 1973 §504, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
Education Law §§ 313 (3), 3201, 3201-a

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