

## 0115 STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

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. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which 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.

### Definitions

#### Bullying

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

#### Cyberbullying

Cyberbullying is defined as harassment (see below) through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create 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 or when such conduct would constitute a crime.

#### 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

The creation of a hostile environment by conduct or by threats, intimidation or abuse, whether verbal or non-verbal, including cyberbullying, that (a) 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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (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.

Discrimination or harassment within the meaning of this policy shall include a single severe incident or multiple incidents that are pervasive in nature that creates a hostile environment or reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

The discriminating behavior or 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.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

## **Prevention**

In order to implement this program the Board will designate at its annual organizational meeting a Dignity for All Students Act (DASA) Coordinator for each school in the district. In addition, one of the DASA Coordinators may be appointed as district-wide DASA Coordinator whose responsibilities are described in the accompanying regulation. The role of each DASA Coordinator is to oversee and enforce this policy in the school to which they are assigned.

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 K-12.

In addition, the Superintendent will utilize a district-wide and/or school committee. The district-wide committee and/or school-level committees 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 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 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.

## **Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DASA Coordinator and the District 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. Vendor employees (e.g., cafeteria, bus, etc.) shall be trained by the District or by the vendor in accordance with this policy. The DASA Coordinators will be trained in accordance with state requirements, and will continue their professional development so as to successfully support this policy and program.

## **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 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.

## **Incident Reporting and Investigation**

Students who have been bullied, parents whose children have been bullied or other students 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. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the building principal 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, tracked and handled in accordance with the regulations and procedures accompanying this policy and the district's Code of Conduct, policy 5300. Where the nature of the bullying or harassment also warrants investigation under another district policy such as 0100, Equal Opportunity, or 0110, Sexual Harassment that addresses wrongful discriminatory practices (such as race, color, national origin, sex, or disability under Title VI of the Civil Rights Act, Title IX of the Elementary and Secondary Education Act, Section 504 of the Rehabilitation Act/Title II Americans with Disabilities Act), there shall be a coordinated investigation. The building principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by the DASA Coordinator or Building Principal in accordance with the accompanying regulation. In addition, the results of the investigation shall be reported back to both the target and the accused, as specified in 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. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system 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 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.

To the extent appropriate the district will respect the privacy of all parties and witnesses to bullying, see [0115-R](#) for further information regarding confidentiality.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, acts of 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.

### **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 and Review,**

This policy, or a plain language summary, shall be published in student registration materials, student handbooks, posted on the district's website, and distributed and made available to district staff. 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 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).

#### Cross-ref:

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

4321, Programs for Students with Disabilities

5300, Code of Conduct

5710, Violent and Disruptive Incident Reporting

9700, Staff Development

#### Ref:

Dignity for All Students Act, [Education Law §§10 - 18](#)

Americans with Disabilities Act, [42 U.S.C. §§12101](#) et seq.  
Title VI, Civil Rights Act of 1964, [42 U.S.C. §§2000d](#) et seq.  
Title VII, Civil Rights Act of 1964, [42 U.S.C. §2000e](#) et seq.; [34 CFR §§100](#) et seq.  
Title IX, Education Amendments of 1972, [20 U.S.C. §§1681](#) et seq.  
§504, Rehabilitation Act of 1973, [29 U.S.C. §794](#)  
Individuals with Disabilities Education Law, [20 U.S.C §§1400](#) et seq.  
[Executive Law §§290](#) et seq. (New York State Human Rights Law)  
[Education Law §§313\(3\)](#), [3201](#), [3201-a](#)  
[8 NYCRR §§100.2\(c\)](#), (l), (jj), (kk); [119.6](#)  
[Tinker v. Des Moines Independent Community School Dist.](#), 393 US 503, (1969)  
[Doninger v. Niehoff](#), 527 F.3d 41 (2d. Cir. 2008)  
[Pollnow v. Glennon](#), 594 F.Sup. 220, 224 aff'd 757 F.2d. 496  
[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  
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**Beacon City School District**

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