

HARASSMENT, INTIMIDATION OR BULLYING

The District prohibits acts of harassment, intimidation or bullying of a student. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Because students learn by example, school administrators, faculty, staff, and volunteers must demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

Definition of "Harassment, Intimidation or Bullying"

The Board of Education defines "harassment, intimidation or bullying" as any gesture, any written, verbal or physical act, or any electronic communication,¹ whether it be a single egregious incident or a series of incidents that is:

- a) reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, weight, national origin, ethnic group, religion, religious practice, disability, gender, sexual orientation, gender identity and expression, or
- b) by any other distinguishing characteristic; and that
- c) takes place on school property, at any school-sponsored function, or on a school bus, and/or that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
- d) a reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- e) has the effect of insulting or demeaning any student or group of students; or
- f) creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Behavioral Expectations

The District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment, consistent with the Code of Conduct. The Board believes that standards for student behavior must be set cooperatively through interaction among the parents, school administrators, school employees, school volunteers, and students, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property.

¹ "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

Consequences and Remedial Action

School administrators shall implement both appropriate consequences (consistent with the District's Code of Conduct) and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, and shall implement the consequences and remedial responses for staff members (consistent with legal and contractual requirements) who commit one or more acts of harassment, intimidation or bullying. Factors to be considered in determining consequences and remedial measures include, but are not limited to:

Factors for Determining Consequences

- Age, developmental, and maturity levels
- Degree of harm
- Surrounding circumstances/context
- Nature and severity of behavior
- Incidences of past or continuing patterns of behavior
- Relationship between the parties involved

Factors for Determining Remedial Measures

- Social skills/relationships
- Strengths/talents
- Interests/hobbies
- Extra-curricular activities
- Academic performance
- Classroom participation
- Family situation

The consequences and remedial measures shall be determined on a case-by-case basis, taking into account the above factors. Examples of potential consequences and remedial responses include, but are not limited to:

Examples of Consequences

- Temporary removal from the classroom
- Detention
- Deprivation of privileges
- In-school or out-of-school suspension
- Expulsion

Examples of Remedial Measures

- Peer support group
- Alternative placements
- Student therapy/counseling
- Parent conferences
- Schedule modifications
- Supervision of student before and after school

Reporting Procedure

Any student, parent, teacher, staff member or visitor may report an incident of harassment, intimidation or bullying. Such reports may be made to any staff member, including the principal or the principal's designee, teachers, administrators, and counselors. In the event that a report is made to a staff member other than the principal, such staff member shall immediately inform the principal or the principal's designee of the report. Allegations of harassment, intimidation or bullying will be treated as confidential and private to the extent possible.

All school employees and volunteers who have contact with students are required to report alleged violations of this policy to the principal or the principal's designee when the individual witnesses or receives reliable information regarding any such incident. The principal is required to inform the parents of all students involved in alleged incidents. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal as soon as possible.

Investigation of Reports

The District requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the principal or the principal's designee within a reasonable period of receiving the report. The investigation shall be completed and the findings reported to the principal as soon as possible, but not later than ten (10) school days from the date of the report of the alleged incident of harassment, intimidation or bullying. The principal or the principal's designee shall take appropriate disciplinary action and recommend remedial actions, as necessary.

Parents of the students who are parties to the investigation shall be provided with information about the investigation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying.

A school administrator who receives a report of harassment, intimidation or bullying from a school employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation or bullying, may be subject to disciplinary action.

Annual Report of Material Incidents of Discrimination and/or Harassment

The District shall submit to the Commissioner of Education an annual report of *material incidents of discrimination and/or harassment* that occurred in such school year. The annual report shall be submitted via the New York State Education Department online portal. A "material incident of discrimination and/or harassment" means a single incident or a series of related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive 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 reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety.

For purposes of this annual report, the District shall include all material incidents of discrimination and/or harassment that are the result of the investigation of a written or oral complaint made to the school principal or other school administrator responsible for school discipline, or to any other employee; or are otherwise directly observed by such principal or administrator, or by any other employee regardless of whether a complaint is made. The annual report shall include information describing the specific nature of the incident, including, but not limited to:

- a) the type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other);²
- b) whether the incident resulted from student and/or employee conduct;
- c) whether the incident involved physical contact and/or verbal threats, intimidation or abuse; and
- d) the location where the incident occurred (on school property or at a school function).

Reprisal or Retaliation

The District prohibits a Board of Education member, school employee, volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the school administrator after consideration of the nature, severity, and circumstances of the act.

Dignity for All Students School Employee Training

The District shall implement school employee training programs to promote a positive school environment that is free from discrimination and harassment, and to discourage and respond to incidents of harassment, intimidation or bullying on school property or at a school function. School employees, including administrators, should be provided with training to:

- raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functions; including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender identity or sex; and
- enable employees to prevent and respond to incidents of harassment, intimidation or bullying.

Such training may be implemented and conducted in conjunction with existing

² Where multiple types of bias are involved, they shall all be reported.

professional development training for school employees. The District shall also develop nondiscriminatory instructional and counseling methods. The Superintendent shall establish guidelines to be followed in the development and training of school employees in these endeavors.

At least one (1) employee in every school building shall be designated as a Dignity Act Coordinator and thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, and sex. The designation of each Dignity Act Coordinator shall be approved by the Board and the name(s), designated school, and contact information for the Dignity Act Coordinators shall be shared with all school personnel, students, and persons in parental relation.

The names, designated school, and contact information for the Dignity Act Coordinators shall be 1) listed in the Code of Conduct; 2) posted on the District's website; 3) included in the plain language summary of the Code provided to parents before the beginning of the school year; 4) provided to parents and persons in parental relation in at least one per school year district mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter; 5) posted in highly-visible areas of school buildings; and 6) made available at the District and school-level administrative offices.

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

Distribution and Review

The District shall distribute this policy to all school employees, school volunteers, students, and parents who have children enrolled in the District, along with a statement explaining that the policy applies to all acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus. The District shall post a link to the policy that is prominently displayed on the home page of the District's website. Notice of this policy shall also appear in the student handbook. The District shall develop and implement a process for annually discussing this policy with students and employees. Further, the District shall annually conduct a reevaluation, reassessment, and review of this policy.

Adopted: April 18, 2012
Revised: December 5, 2012
Revised: August 26, 2015