

RYE CITY SCHOOL DISTRICT
RYE, NEW YORK

5040

**STUDENT HARASSMENT AND BULLYING PREVENTION
UNDER THE DIGNITY FOR ALL STUDENTS ACT (“DASA”)**

The District is committed to providing a positive, safe and supportive educational and working environment that is free from bullying, hazing, harassment and/or discrimination and that promotes respect, dignity and equality. The District recognizes that bullying, hazing, harassment, and/or discrimination 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 victims but also those individuals who participate and witness such acts.

To this end, the District condemns and strictly prohibits all forms of bullying, hazing, harassment and/or discrimination on school grounds, school buses and at all school-sponsored activities, programs and events, regardless of where such activities, programs and events take place. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyber-bullying, which has or would have the effect of unreasonably and substantially interfering 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 and Cyber-bullying

Bullying is a form of harassment. Under the Dignity for All Students Act, bullying has been defined in the same manner as harassment, which is set forth below. Bullying is often characterized by a systematic and intentional infliction of physical harm or psychological distress on an individual or group of individuals and typically involves an imbalance of power. Examples of bullying include, but are not limited to: unwanted purposeful written, verbal, non-verbal, social or relational, or physical behavior (e.g. threatening, insulting or dehumanizing gestures), unwanted teasing, touching, threatening, intimidating, stalking, cyber-stalking, cyber-bullying, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of school or personal property, social exclusion including incitement and/or coercion, and rumor or spreading of falsehoods. Under the Dignity for All Students Act, cyber-bullying has been defined as harassment (see below) through any form of electronic communication.

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 under Harassment, below).

Hazing

“Hazing” among students is a type of harassment (see below) that involves conduct intended to have the effect of, or which could reasonably be expected to have the effect of humiliating, intimidating or demeaning a student or endangering the mental or physical health of a student in order for that student to join, participate in, or hold office in any organization affiliated with any school or program operated by the District, including but not limited to school sports, activities and clubs.

Harassment

Harassment has been defined in various ways in federal and state law and regulation. The District recognizes that these definitions are important standards, but the District’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, including cyber-bullying, 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.

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).

For the purpose of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

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

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 will be sensitized, through District-wide professional development and students through 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. Age appropriate curricular material and instruction that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, colors, weights, national origins, ethnic groups, religions, religious practices, disabilities, sexes, sexual orientations, and genders are included in the K-12 instructional program.

In order to implement this program the Board will designate, at its annual organizational meeting, a Dignity Act Coordinator (“DAC”) for each school building. In accordance with State law, each DAC shall be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group(s), religion, religious practice(s), disability(ies), sexual orientation, gender and sex. The role of the DAC is to coordinate and enforce this Policy in the school to which they are assigned. School Excellence Teams 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, and remedying allegations of bullying.

Bullying, harassment, hazing or discrimination of a sexual nature, as defined by the District’s sexual harassment policy 0110, must be reported to the School District’s designated Title IX officer. Bullying, harassment, hazing or discrimination which involves criminal activity, or where there is reasonable belief that criminal activity may occur, must be immediately reported to the Superintendent of Schools and law enforcement. To the extent possible, allegations of bullying, harassment, hazing or discrimination will be kept confidential; however, the District reserves the right to disclose the identity of the parties and witnesses in appropriate circumstances to individuals with a need to know.

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 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 behavior or environmental approaches, which are targeted to a particular school building or the District as a whole.

In addition, intervention will focus upon the safety of the victim. Staff is expected, when made aware of bullying, harassment, hazing and/or discrimination on school grounds or at school-sponsored events/activities to intervene in accordance with this policy and the accompanying Regulation (5040-R) and/or assist the student in accessing designated resources for assistance.

Provisions for students who do not feel safe at school

The District 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. The administration is authorized to determine if accommodations are needed in order to help ensure the safety of the student and to provide such accommodations, as needed. The DAC of the particular school should be made aware of any accommodations provided to students under this section.

The student, parent/guardian, and school administration will collaborate, as needed, to establish safety provisions that best meet the needs of the targeted student. The District recognizes that there is a need to balance any interventions which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. Follow-up discussion and/or meetings may be scheduled, as needed, to address any safety concerns and to determine when and if interventions need to be changed or discontinued.

Training and Education

The Board recognizes that in order to implement an effective bullying, harassment, hazing and discrimination prevention and intervention program, professional development is needed. The Superintendent or his/her designee will create guidelines for training and will provide training to all staff members in accordance with state law and the Regulations of the Commissioner of Education, to raise awareness and sensitivity to acts of bullying, harassment, hazing and discrimination; to enable staff to prevent acts of bullying, harassment, hazing and discrimination; and to provide intervention and reporting.

Each DAC will be trained in accordance with state requirements and will continue professional development to successfully support this policy and program.

The District shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For purposes of this policy, “tolerance,” “respect for others” and “dignity” shall include 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.

Reporting and Investigation

The District cannot promptly and effectively address instances of bullying, hazing, harassment and/or discrimination if incidents are not reported.

To this end, any student who believes that he/she has been bullied, harassed, hazed and/or discriminated against, or any student who has knowledge of bullying, harassment, hazing and/or discriminating behavior must report it to a District staff member or to the DAC of their particular school building.

Parents whose children have been bullied, hazed harassed and/or discriminated against are expected to immediately report it to the building principal of their child’s school or the DAC assigned to the school.

All District personnel are responsible for taking action if they become aware of any bullying, harassment, hazing and/or discrimination against a student. Staff members must report all complaints of bullying, harassment, hazing and/or discrimination that they receive from students, as well as any such conduct that they are aware of, to the principal of the school where the incident occurred, another District administrator or to the designated DAC. In the event any staff member other than the DAC receives the report, the staff member who receives it is responsible for promptly referring the matter to the DAC. The District expects the DAC and building level administration to work collaboratively to address any such reports.

All reports of bullying, hazing, harassment and/or discrimination shall be fully investigated and appropriate action taken to address the issue, which may include the imposition of disciplinary measures in accordance with applicable law and the District’s Code of Conduct. At all times, complaints will be documented and handled in accordance with the regulations developed by the Superintendent of Schools and the District’s Code of Conduct.

The results of the investigation shall be reported back to both the victim and the accused in accordance with Regulation 5040-R. If either of the parties disagrees with the results of the investigation, an appeal may be filed in accordance with Regulation 5040-R.

Bullying, harassment or discrimination of a sexual nature, as defined by the School District's sexual harassment policy, must be reported to the School District's Title IX officer. Bullying, harassment or discrimination which involves criminal activity, or where there is reasonable belief that criminal activity may occur, must be immediately reported to the Superintendent of Schools and law enforcement. To the extent possible, allegations of bullying, harassment or discrimination will be kept confidential; however, the School District reserves the right to disclose the identity of the parties and witnesses in appropriate circumstances to individuals with a need to know.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying, hazing, harassment and/or discrimination 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, District Policy(ies), the applicable collective bargaining agreement and/or state law/Regulations, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Non-Retaliation

The District expressly prohibits any retaliation against complainants, victims, witnesses and/or any individuals who initiate, testify, participate or assist in the investigation of any allegation or report of bullying, harassment, hazing and/or discrimination. The District's administrators will monitor participants in investigations and victims of bullying, harassment, hazing and/or discrimination to ensure that the behavior has ceased, no retaliation has occurred and appropriate support(s) and/or access to designated resources and/or accommodations has been afforded to the involved individuals, as needed.

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. A bullying, harassment, hazing and discrimination complaint form will be available on the District's website and the process for reporting will be explained to students, staff and parents on an annual basis. The District will ensure that the process of reporting such conduct 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.

The District shall report material incidents of bullying, harassment, hazing and/or discrimination to the Department of Education as mandated by the Regulations of the Commissioner of Education, but in no case less than on an annual basis. The Board will receive the annual Violent and Disruptive Incident Report (“VADIR”) as well as any other state-required report relevant to bullying, harassment, hazing and/or discrimination for each school building and the District as a whole.

In the event the District determines that reporting of information to the public in conjunction with this Policy is necessary, such reporting will be done in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (“FERPA”)

Cross-ref:

Regulation 5040-R

New York State Education Law, Article 2

New York State Education Law §801-a

Code of Conduct

0100, Equal Opportunity and Nondiscrimination

0110, Sexual Harassment

4321, Programs for Students with Disabilities

5040, Dignity for All Students Act

5300, Student 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

Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969)

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)

Adoption Date: July 1, 2013