

SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS.

The Haldane Board of Education ("Board") is committed to providing a safe and productive learning environment within its schools. In accordance with New York State's "Dignity for All Students Act" ("DASA") the Board is committed to promptly addressing incidents of harassment and/or discrimination of students that impede students' ability to learn. This includes bullying, taunting or intimidation in all their myriad forms.

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. No student shall be subjected to harassment by employees or students on school property or at a school function. Nor shall any student be subjected to discrimination based on the student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or students on school property or at a school function.

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students is prohibited, and may be subject to disciplinary consequences.

In addition, the Haldane Central School District reserves the right to discipline students who engage in harassment of students off school property under circumstances where such off-campus conduct would be violative of the student code of conduct.

Policy Definitions:

- *School Property* means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus (Education Law §11[1]).
- *School Bus* means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law §11[1] and Vehicle and Traffic Law §142).
- *School Function* means a school sponsored extracurricular event or activity (Education §11[2]).
- *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, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the

SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS

complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[4] and Executive Law §292[21]).

- *Employee* means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine(B) of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §§11[4] and 1125[3]).
- *Sexual Orientation* means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
- *Gender* means actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).
- *Harassment* means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 wellbeing; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law §11[7]).
- *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.

Reporting and Investigation:

Any student who believes that s/he is being subjected to harassment, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the harassment to any staff member or to the Building Principal.

A staff member who witnesses harassment or who receives a report of harassment shall inform the Building Principal. The Building Principal to whom the report is made must immediately notify the same to the Superintendent of Schools in writing of such report and unless otherwise stated in the policy shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of harassment.

The Building Principal shall maintain a log of bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. The Building Principal shall report their findings

SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS.

periodically, but no less than quarterly, to the Superintendent of Schools or designee, who shall report to the Board annually regarding bullying incidents on a building-wide and District-wide basis. In addition, all reported incidents of bullying must be documented in the file of a student being accused of the conduct. Written records should also capture what action, if any, was taken, or why no action was taken. These reports shall remain in the student's file and will travel with the student from elementary school to high school. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

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.

The Superintendent shall designate one or more staff members in each school building to be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. Where there are separate policies covering forms of discrimination as referred above, the investigating of alleged harassment of such nature shall be conducted solely pursuant to those policies (i.e.: Title VI, Title IX, Disability Discrimination).

The Board shall appoint a Dignity Act Coordinator for each school building consistent with the requirements of Chapter 482, Laws of 2010 and Commissioner's regulations at 8 N.Y.C.R.R. 100.2(jj).

In furtherance of this Policy, the Superintendent is authorized and directed to prepare guidelines that shall be approved by the Board:

1. To be used in school training programs to discourage the development of discrimination or harassment, and that are designed to:
 - a. raise the awareness and sensitivity of school employees to potential discrimination or harassment, and
 - b. enable employees to prevent and respond to discrimination or harassment.
2. Relating to the development of nondiscriminatory instructional and counseling methods.

Retaliation:

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

Furthermore, any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by an employee or another student, on school grounds or at a school function who reasonably and in good faith reports such information to school officials, to the Commissioner of Education, to law enforcement officials, shall be free from retaliation of any kind.

SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in the District Code of Conduct, and other information sent to students, parents and employees, as well as posted on the district's website. 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.

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 and changes will be made, as needed.

The Board will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. 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.

The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Refer also to Policies :

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. Des Moines 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)