

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

Overview

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. This policy is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by employees or other students on school property and at school functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off school property may be subject to discipline or other corrective action, where such acts 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.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of students. The District will promptly respond to reports of harassment, bullying, and/or discrimination of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Dignity Act Coordinator(s) (DAC(s)).

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee to serve as the Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination.

Each DAC will be:

- a) Approved by the Board;
- b) Licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent;
- c) Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
- d) 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;

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Dignity Act Coordinator (Cont'd.)

- e) Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
- f) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
- g) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website;
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter;
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board within 30 days of the date the position was vacated. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent guidelines approved by the Board, and will include training to:

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- a) raise employee awareness and sensitivity to potential acts of harassment, bullying and discrimination;
- b) address the social patterns of harassment, bullying and discrimination;
- c) inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) enable employees to prevent and respond to incidents of harassment, bullying and discrimination;
- e) raise employee awareness to the effects of harassment, bullying, cyberbullying, and discrimination of students;
- f) provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) include safe and supportive school climate concepts in classroom management and curriculum; and
- h) verify the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying and/or discrimination will be included in the *Code of Conduct*, posted on the District's website, and made available to all staff and parents. Any amendments to the *Code of Conduct* will be posted on the District website as soon as practicable following adoption. The District will provide new employees with access to the current *Code of Conduct* upon beginning employment, and distribute an age-appropriate summary to all students each school year.

Internal Reports and Investigations of Harassment, Bullying and/or Discrimination

All District employees who witness or receive an oral or written report of harassment, bullying and/or discrimination of a student are required to take action. District employees must make an oral report promptly to the Principal, a DAC or the Superintendent, not later than one (1) school day after witnessing or receiving an oral or written report of harassment, bullying and/or discrimination. No later than two school days after making the oral report, the District employee who made the oral report to the Principal, a DAC or Superintendent, must also file a written report with the Principal (or his/her designee), a DAC or the Superintendent.

The Principal (or his/her designee), a DAC or the Superintendent will lead or supervise a prompt and thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

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Internal Reports and Investigations of Harassment, Bullying and/or Discrimination (Cont'd.)

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 - *Non-Discrimination and Anti-Harassment in the District*; Policy #3421 - *Title IX and Sex Discrimination*; Policy #7551 - *Sexual Harassment of Students*; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the DAC may work with other District staff such as the District's CRCO(s) and/or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Principal, (or his/her designee), the DAC or the Superintendent will take prompt action consistent with applicable laws and regulations as well as the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and verify the safety of the student or students against whom the behavior was directed.

The Principal (or his/her designee), the DAC or the Superintendent will promptly notify the appropriate law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

Reporting Incidents

Reporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner.

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Prohibition of Retaliatory Behavior (Commonly Known as “Whistle-Blower” Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who in good faith participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

Publication of District Policy

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with access to an electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, the District will maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law Sections 10-18 and 2801
8 NYCRR § 100.2

Note: Refer also to Policies #1330 – Appointments, Designations & Authorizations by Board of Education
#3410 – Code of Conduct
#3420 – Non-Discrimination and Anti-Harassment in the School District
#7551 – Sexual Harassment of Students
#7553 – Hazing of Students
#8130 – Equal Educational Opportunities
#8244 – Civility, Citizenship and Character Education/Interpersonal Violence
Prevention Education
District Code of Conduct

Adopted: 6/26/2012,

Revised: 1/14/2014

BOE reviewed 12/10/2019 with no changes recommended

Revised: 1/26/2021, 7/13/2021