

0115 ANTI-BULLYING AND HARASSMENT

The Board of Education of the Garden City Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of discrimination, bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the School District to prohibit all forms of discrimination and harassment, including bullying, taunting or intimidation against students, by students and/or employees on School District property, School District transportation, and at school-sponsored events and functions. Acts of discrimination and harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by means of electronic communication, either on school property, at a school function, on a school or coach bus, or off school property where there is a sufficient nexus to the school environment.

Discrimination, harassment, hazing or bullying that 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, threat, intimidation or abuse might reach school property is prohibited, and may be subject to disciplinary consequences.

Definitions:

Bullying

Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Additionally, bullying has been described by the New York State Education Department as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "Harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Discrimination

Discrimination means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

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

Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent incidents of misbehavior from occurring and/or 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 or bullying as the creation of a hostile environment by conduct or by threats, intimidation or abuse including Cyberbullying as defined in [Education Law 11\(8\)](#) that either:

- a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, mental, emotional and/or physical well-being or conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
- b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

Such definition shall include acts of harassment or bullying that occur:

- a) On school property; and/or
- b) At a school function; or
- c) Off school property where such acts create or would reasonably 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.

For purposes of this definition and this policy, the term "threats, intimidation or abuse" shall include verbal and non-verbal action.

Acts of harassment, bullying, and discrimination shall include, but not be limited to, acts based on 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).

Bullying and/or harassment do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents.

Bullying and/or harassment can also include, among other things, the use, both on and off school property, of information technology, including but not limited to, e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems, and social media websites to deliberately harass or threaten others. This type of harassment is generally referred to as "cyber-bullying." The Dignity for All Students Act ([§§10-18 of Education Law](#)) defines "Cyberbullying" as harassment or bullying, where such harassment or bullying occurs through any form of electronic communication.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The School District is mindful of its responsibilities under the law and in accordance with School District policy regarding civil rights protections.

Electronic Communication

Means a communication transmitted by memo or an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through e-mail, text message, instant message, voicemail, social networking sites, webpage, video, blogs and twitter.

Emotional harm that takes place in the context of "harassment or bullying"

Means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Material Incident of Harassment Bullying, and/or Discrimination

Means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occurs off school property 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 and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employees.

Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under [Education Law sections 3201-a or 2854\(2\)\(a\)](#) and Title IX of the Education Amendments of 1972 ([20 U.S.C. section 1681, et seq.](#)), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

Reporting of incidents to the superintendent, principal or designee:

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment, or similar behavior report it immediately to School District administrative staff, teacher or the designated Dignity Act Coordinator.

Complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation. If, after investigation, the School District finds that there has been a violation of this policy, prompt corrective action will be taken.

School employees who witness harassment, bullying, and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent, or their designee not later than one (1) school day after such employee witnesses or receives a report of such acts, and shall also file a written report with the principal, superintendent, or their designee no later than two (2) school days after making such verbal report.

The principal, superintendent or the principal's or superintendent's designee shall lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that such investigation is completed promptly after receipt of any written reports.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the superintendent, principal, or designee shall take prompt action, 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 ensure the safety of the student or students against whom such behavior was directed.

The principal, superintendent, or their designee shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

The principal shall provide a regular report to the superintendent, at least once during each school year, on data and trends related to harassment, bullying, and/or discrimination.

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such harassment, bullying, and/or discrimination shall have immunity from any civil liability arising from making such report or participating in the related investigation.

Retaliation for reporting incidents of harassment, bullying, and/or discrimination or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation in this policy. Acts of retaliation should be reported to the building principal or Dignity Act Coordinator. The School District will investigate such reports and if, after investigation, the School District finds that there has been a violation of this policy, prompt corrective action will be taken.

Reporting of material incidents to the Commissioner

Material incidents of harassment, bullying, and/or discrimination shall be annually reported to the commissioner in a manner prescribed by the Commissioner of Education.

Policy Implementation:

The Superintendent shall implement regulations for preventing, reporting, investigating and addressing allegations of harassment, bullying, and/or discrimination.

The Board will designate at its annual organizational meeting at least one Dignity Act Coordinator for each school building. The role of the Dignity Act Coordinator is to coordinate and enforce this policy.

The names and contact information for the Dignity Act coordinators shall be shared with all school personnel, students, and parents which shall include but is not limited to, providing the name, designated school, and contact information of each Dignity Act Coordinator by:

- a) Listing such information in the code of conduct and updates posted on the internet website; and
- b) Posting such information in highly-visible areas of school buildings; and
- c) Making such information available at the School District and school-level administrative offices; and
- d) Either including such information in the plain language summary of the code of conduct or providing such information at least once per school year.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program which shall include elements of prevention, intervention and consequences.

Prevention will include:

- 1) Training for administrators, teachers and staff consistent with [Section 100.2\(jj\) of the Commissioner's Regulations](#) to increase awareness of the prevalence, causes, and consequences of discrimination, bullying and harassment, and sharing strategies for preventing such behavior. Such training shall address the social patterns of harassment, bullying and/or discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
- 2) Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect, and creating a culture which encourages students to report incidents of harassment, bullying and/or discrimination or similar behavior to an adult.
- 3) Collaborating with families and the community to inform parents about the prevalence, causes and consequences of harassment, bullying, and/or discrimination.
- 4) 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. Students will receive instruction designed to support a school environment free of harassment, bullying, and/or discrimination. Instruction will also address the safe, responsible use of the Internet and electronic communications.

Intervention will include:

- 1) Training for school staff on how to respond appropriately to students who engage in bullying or harassing behavior, are targets of such behavior, and are bystanders who report such behavior. The Superintendent shall provide 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 administrators, teachers, bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

2) Remedial measures designed to correct the discriminating or harassing behavior, prevent another occurrence and protect the targeted student;

3) Development of nondiscriminatory instructional and counseling methods; and

4) Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender (including gender identity and expression), socio-economic status and familial status. This staff member's contact information will be included in student registration materials, student, parent and employee handbooks and other appropriate school publications, posted on the school website, and will be distributed to students and staff annually at the beginning of the school year;

5) 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;

6) Intervention will focus upon the safety of the targeted student. Staff is expected, when aware of harassment, bullying, and/or discrimination to refer the student to designated resources for assistance, or to intervene in accordance with this policy, regulation and relevant provision of the Code of Conduct.

Provisions for students who do not feel safe at school

The Board acknowledges that, notwithstanding actions taken by School District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. The School District recognizes the need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student and interfering with the educational process. Thus, the Board expects that the building principal, and/or other appropriate staff, the student and student's parent/guardian will work together to define and implement needed accommodations.

Consequences may include:

1) Discipline, including suspensions and expulsions consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and,

2) Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

Investigating and Responding to Allegations of Staff-to-Student Harassment and/or Discrimination

In the case of a report of alleged staff-to-student harassment, bullying, and/or discrimination, reporting, investigation, and response must follow all applicable school and/or School District policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct.

This policy shall be posted on the School District website, in each School District facility, shall also be included in the code of conduct in plain language, student registration materials, student, parent and employee handbooks and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as a part of the School District's summary of the code of conduct.

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.

In addition, the Board will review data regarding reported material incidents of harassment and/or discrimination for each school, and the School District as a whole, with particular attention to trends in incidents of discipline, harassment and bullying. 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. Such information shall be reported to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-Ref:

0110, Sexual Harassment

5300, Code of Conduct

References:

Americans With Disabilities Act, [42 U.S.C. section 12101](#) *et seq.*

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

Title VI, Civil Rights Act of 1964, [42 U.S.C. section 2000d](#) *et seq.*

Title VII, Civil Rights Act of 1964, [42 U.S.C. section 2000e](#) *et seq.*

[34 CFR 100](#) *et seq.*

[20 U.S.C. 1681](#) *et seq.*

Section 504, Rehabilitation Act of 1973, [29 U.S.C. section 794](#)

IDEA, [20 U.S.C. section 1400](#) *et seq.*

[Education Law, Article 2](#)

[Executive Law section 290](#) *et seq.*

[Education Law sections 313\(3\), 3201, 3201-a](#)

U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, October 26, 2010

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Garden City Public Schools
