

0115-R STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

All forms of 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 also strictly prohibited.

Definitions

Bullying - In order to facilitate implementation, 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"), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. Power imbalance - occurs when a bully uses his/her physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and the target believe the bullying will continue.
4. Terror - when any bullying increases, it becomes a "systematic violence or harassment used to intimidate and maintain dominance."

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications ("Cyberbullying"), anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

Harassment - has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act 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, or mental, emotional or physical well-being including 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.

The term "threats, intimidation or abuse" includes verbal and non-verbal actions.

The term "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.

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).
 - Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
 - Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

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 defines "Cyberbullying" as harassment or bullying, where such harassment or bullying occurs through any form of electronic communication.

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.

Prevention - is the cornerstone of the district's effort to address harassment, bullying, and discrimination. The components of such an effort involve the following:

- District curriculum will emphasize developing empathy, tolerance and respect for others and include safe and supportive school climate concepts.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to harassment, bullying, and/or discrimination.
- Gathering information about harassment, bullying, and discrimination at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about harassment, bullying, and discrimination consistent with the District's Code of Conduct.
- Training adults in the school community to respond sensitively and consistently to harassment, bullying, and discrimination. The training shall address patterns of harassment, bullying, and discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
- Raising awareness and sensitivity among adults, through training, of the school experiences of marginalized student populations (as enumerated in the Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.

Role of the Dignity Act Coordinator (DAC)

The Board of Education will annually designate for each school building one or more licensed and/or certified classroom teachers, school counselors, school psychologists, school nurses, school social workers or school administrations as the Dignity Act Coordinators (DAC) accountable for the implementation of this policy.

The Dignity Act Coordinator shall be:

- a) 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;

- b) 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;
- c) Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
- d) Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The DAC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

Incident(s) Reporting

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of harassment, bullying and/or discrimination report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved.

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 district will promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the harassment, bullying, and/or discrimination as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to harassment, bullying, and discrimination. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment, bullying, and/or discrimination and preventing the harassment, bullying, and/or discrimination of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of harassment, bullying, and/or discrimination is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, bullying, and/or discrimination, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three (3) school days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A hall pass that allows the student to visit a designated adult at any time;
 - Access to alternate bathroom facilities, such as the nurse's office;
 - Increased supervisor during passing periods;
 - If the student feels unsafe in a specific class, temporary assignment to an alternate setting;
 - Increased supervision on the bus.

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

Parents of student targets and accused students should be notified before the end of the following school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law.

School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and the accused regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the Remediation/Discipline/Penalties section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme harassment, bullying, discrimination, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all harassment, bullying, and/or discrimination complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but no later than five (5) school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If the district level investigation is the result of an appeal to the Superintendent following an initial building level investigation, the Superintendent or his/her designee shall review the complaint and the underlying investigation and, if appropriate and as circumstances warrant, conduct an additional investigation.

If a district level investigation results in a determination that harassment, bullying, and/or discrimination did occur, prompt corrective action will be taken to end the misbehavior in accordance with the Remediation/Discipline/Penalties section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent or his/her designee (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or his/her designee or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall review such record and render a decision in writing within 30 days after the Board's review has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes harassment, bullying, and/or discriminatory behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment, bullying, or discrimination complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in harassment, bullying, and/or discrimination will be subject to appropriate action, which may include disciplinary action. Remedial responses to harassment, bullying, and/or discrimination include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;

- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Recommendation for student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Principals in each school shall be responsible for informing students and staff of the terms of this regulation, including the procedures for filing a complaint and information about the impact of harassment, bullying, and/or discrimination on the target and bystanders.

Training

Training needs in support of this harassment, bullying, and discrimination prevention and intervention program will be reflected in the district staff development. The Dignity Act Coordinator, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of harassment, bullying, and/or discrimination shall receive training to support implementation of this policy, regulation and on related legal developments.

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Garden City Public Schools