

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality for all students, staff and parents. The Board recognizes that discrimination, such as harassment, hazing and bullying, 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 targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, on school buses, at school bus pick-up sites, at all school-sponsored activities, programs and events. 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 are prohibited, and may be subject to disciplinary procedures and consequences.

### Definitions

#### **Bullying**

Bullying is a conscious, willful, deliberate activity intended to harm in which the bully uses actions or intimidation to cause pain/and or misery. It can be verbal, physical, electronic and/or relational; may include as its focus but is not limited to a person's actual or perceived:

- physical attributes
- mental ability/disability
- race
- ethnicity
- weight
- religious practice
- gender
- sexual orientation
- social-economic status
- other differences (perceived or real)

It includes all forms of hazing and cyberbullying that may have an effect on our school environment. It can be and often is continuous and repeated over time, but does not have to be. Once is enough to constitute bullying.

#### **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 in the *Definitions* section, under Harassment, below).

#### **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 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 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 well-being; 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. 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)

## **Cyberbullying**

Cyberbullying includes, but is not limited to, the following misuses of technology; harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs).

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;
- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "Tinker standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [Tinker v. Des Moines Independent School District 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the District Code of Conduct and possible referral to local law enforcement authorities.

## **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 and students will be sensitized, through district-wide professional development and 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.

In order to implement this program the Board will designate at its annual organizational meeting a Bullying Prevention Coordinator (BPC). The role of the BPC is to coordinate this policy. In addition, the Superintendent will establish a district-wide Anti-bullying Task Force, as well as Bullying Prevention Coordinating Committees in each school that will be overseen by a building administrator who will enforce this policy, contact parents, and keep an on-going record of reported incidents. Committees will include representation from staff and administration with outreach when necessary to parents. The district-wide task force and the school-level committee 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, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

### 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 to bullying and harassment 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 bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff are required, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

### Provisions for students who do not feel safe at school

The Board 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. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent/guardian should work together to define and implement any needed accommodations.

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.

## Training

The Board recognized that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the BPC and the District Professional Development Team will incorporate 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 but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The BPC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

## Reporting and Investigation

The district cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents/guardians whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy and the district's Code of Conduct. 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.

There shall be a duty for all school personnel to report to their building principal or other administrator who supervises their employment any incidents of student-to-student and staff-to-student bullying that they observe. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervised their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in administrative regulation. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying administrative regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

## Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts 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, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

### Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and strict policies, who have acted in good faith, have the right to be free from retaliation of any kind.

### Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student, parent and employee handbooks, and posted on the district's website.

The Superintendent will receive the annual VADIR report, for each building and for the district as a whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Superintendent may consider further action, including but not limited to modification of this policy and additional training.

The District will ensure that any required 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).

The District will comply with New York State Education Law Sections 10 through 18 and Section 801(a), as such now exists or are amended from time to time.

Approved June 2012

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