

The North Warren Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct, which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination and harassment of students based on 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 and at school-sponsored activities and events that take place at locations off school property. In addition, any act of discrimination or harassment, outside of school-sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Definitions

Harassment

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and it will develop its policy to comply with them. It is also the Board's goal, in developing its policy, to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability.

The Dignity Act (Education Law §11[7]) 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. 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
- sex
- sexual orientation
- gender (includes actual or perceived sex as well as gender identity)

Bullying

Bullying has been described by the USDE as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, according to the USDE, bullying generally involves the following characteristics:

An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.

The Intent to Cause Harm: The person bullying has a goal of causing harm.

Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include, but are not limited to:

Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.

Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.

Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

REF: <http://www.stopbullying.gov/what-is-bullying/definition/index.html>

Hazing

The Penal Law defines hazing as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury (Penal Law §120.16).

Under the Penal Law, it is also considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person (Penal Law §120.17).

Discrimination

Discrimination is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, or and gender.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value of the North Warren School District. A program geared to prevention is designed to not only decrease incidents of discrimination, harassment, bullying, taunting or intimidation, but to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Staff members and students will be sensitized, through school-wide professional development and instruction, to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention of such acts before they occur. Elements of the prevention strategies include:

- Learning about and identifying the early warning signs and precursor behaviors that can lead to discrimination, harassment, bullying, taunting or intimidation.
- Gathering information about discrimination, harassment, bullying, taunting or intimidation on school property or at school functions directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation. (ie. Annual Olweus Surveys and periodic grade level surveys)
- Establishing clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation through a district code of conduct developed in accordance with the requirements contained in Education Law §§12(2) and 2801 and 8 NYCRR §100.2(l), that comply with the Dignity Act requirements.
- Training adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation.
- Raising awareness among school staff, through training, of the school experiences of student populations specified in the Dignity for All Students Act, including but not limited to; students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to discrimination, harassment, bullying, taunting or intimidation and/or other forms of anti-social and/or violent behavior.
- Providing adequate supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias, school buses and playgrounds.
- Raising parental awareness and involvement in discrimination, harassment, bullying, taunting or intimidation prevention and intervention.
- Providing examples of positive behaviors that are age appropriate.
- Instituting policies and practices that create a positive school climate.
- Using educational opportunities or curricula, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

In order to implement this program, there is a voluntary Olweus Committee on Discrimination, Harassment and Bullying Prevention and Intervention, consisting of school, community and student body members. The Olweus committee may voluntarily assist the administration in developing and implementing specific procedures on early identification of discrimination, harassment and bullying, as well as taunting or intimidation, and other preventative strategies. In addition, the program also provides for the reporting, investigating, remedying and tracking allegations of discrimination, harassment and bullying, as well as taunting or intimidation.

Intervention

Intervention by adults and bystanders with proper training can be an important step in preventing escalation and resolving issues at the earliest stages.

Remedial responses to discrimination or harassment, including bullying, taunting, or intimidation, could be associated with staff intervention. This might include measures designed to correct the problem behavior, prevent another occurrence of the problem behavior, and protect the targeted student. Intervention will engage the 7.3.1 Code of Conduct steps. In addition, intervention will focus upon the safety of the targeted student. When aware of incidents of discrimination, harassment or bullying, as well as intimidation or taunting, the staff will be

expected either to refer the targeted student to designated resources for assistance, or to intervene in accordance with this policy and the relevant provisions of the code of conduct.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by the district staff, intervention might require a specific, coordinated approach, if a student 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 incidents of discrimination, harassment, bullying, taunting or intimidation 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 or other appropriate or designated staff. The building principal, other appropriate or designated staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing 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

Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of harassment and discrimination directed at students that are committed by students or school employees on school property or at a school function. Training will include ways to promote a supportive school environment that is free from discrimination and harassment, emphasize positive relationships, and demonstrate prevention and intervention techniques to assist employees in recognizing and responding to harassment and discrimination, as well as ensuring the safety of the victims.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits, which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

Rules against discrimination and harassment will be included in the Code of Conduct, publicized District-wide and disseminated to all staff and parents. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reporting Discrimination, Harassment and Bullying

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 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 schooldays after making an oral report. (*please see Documenting Notes & Referrals in OLWEUS Staff Intervention Packet*)

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 notify promptly the appropriate local law enforcement agency when it is believed that any harassment, bullying or discrimination constitutes criminal conduct.

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

Pursuant to Education Law section 13, retaliation by any school employee or student shall be prohibited against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination.

Disciplinary Consequences/Remediation

The Dignity Act emphasizes the creation and maintenance of a positive learning environment for all students. In addition, the amended Dignity Act request the development of measured, balanced, progressive, and age-appropriate responses to discrimination, harassment, and bullying of students by students and/or employees. Remedial responses should be included in the Code of Conduct and place the focus of discipline on discerning and correcting the reasons why discrimination, harassment, and bullying occurred. The remedial responses should also be 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:

- peer support groups;
- assignment of an adult mentor at school that the student checks in with at the beginning and end of each school day;
- corrective instruction that emphasizes behavioral expectations or other relevant learning or service experience;
- engagement of student in a reflective activity, such as writing an essay about the misbehavior and its impact on others and how the student might handle the situation differently in the future and/or make amends to those who have been harmed;
- supportive intervention and/or mediation where constrictive conflict resolution is modeled;
- behavioral assessment or evaluation;

- behavioral management plans or behavior contracts, with benchmarks that are closely monitored;
- student counseling and parent conferences that focus on involving persons in parental relation to discipline issues.

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 and/or discrimination, reporting, investigation, and response must follow all applicable school and/or district policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct.

Non-Retaliation

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by a student and/or an employee, on school grounds or at school functions, who, acting reasonably and in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. District employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings (Education Law §16). The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment.

Code of Conduct Publication and Training

Under Education Law §2801(4) and 8NYCRR§100.2(I)(2)(iii)(b), districts and BOCES must ensure community awareness of the Code of Conduct provisions through various specified means, including, but not limited to, posting the current Code of Conduct in an easily accessible place on their Internet web site, if available.

Additionally, the Dignity Act requires that a summary of the Code of Conduct be provided to all students, in an age-appropriate version, written in plain-language, to ensure that students understand the standards of respect and appropriate behavior that the school community expects from them.

As part of ensuring effective implementation of the Code of Conduct, it is required that schools, districts and BOCES provide training to staff that specifically highlights the Dignity Act provisions, such as the prohibition against discrimination, harassment and bullying, reporting requirements and the availability of each school's DAC. Training shall address the social patterns of discrimination, harassment and bullying, the identification and mitigation of those behaviors, as well as strategies for effectively addressing problems of exclusion, bias and aggression in the school setting.

The Dignity Act permits the denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law

§2854 (2) (a), Education Law §3201-a and Title IX of the Education Amendments of 1972 (20 USC §1681, et. seq.). Similarly, the Dignity act allows denial of admission or exclusion based on disability that would be permissible under §504 of the Rehabilitation Act of 1973.

Each year, as a part of the required annual review of the code of conduct, this policy may be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, the proposed policy revisions could be recommended to the Board for its consideration. In addition, the Board will receive the annual VADIR report, as well as other relevant data, for the district as whole, with particular attention to the trends in incidents of discrimination, 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. North Warren will ensure that they report such information to the public in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Dignity Act Coordination Team

In compliance with Education Law §13(3), at least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will 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 (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information with all school personnel, students, and parents/persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

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