



Book	PPCSD District Policy Manual
Section	0000 Philosophy, Goals and Objectives
Title	STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION
Code	0115
Status	Active
Cross References	<a href="#">0100 - NON-DISCRIMINATION AND EQUAL OPPORTUNITY</a> <a href="#">4321 - PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER THE IDEA AND NEW YORK S EDUCATION LAW ARTICLE 89</a> <a href="#">5020.1 - SEXUAL HARASSMENT POLICY FOR STUDENTS</a> <a href="#">5300 - DISTRICT CODE OF CONDUCT 2020 - 2021</a> <a href="#">5710 - SCHOOL SAFETY AND EDUCATIONAL CLIMATE REPORTING</a>

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. 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 strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

#### *Definitions*

#### **Bullying**

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.

#### **Cyberbullying**

Cyberbullying is defined as harassment (see below) through any form of electronic communication.

#### **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 threats, intimidation or abuse, including cyberbullying, that (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; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) 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, threats, intimidation or abuse might reach school property. 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).

For the purpose of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.

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

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

## 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. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying. Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each school in the district. One of the DAC's will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide Dignity Act Committee as well as Bullying Prevention Coordinating Committees in each school that will be overseen by the district-wide DAC. Committees will include representation from staff, administration, students and 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 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 is expected, when aware of bullying, to report it in accordance with this policy, 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 Dignity Act Coordinator. The Dignity Act Coordinator, other appropriate 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 which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. 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.

### Incident Reporting and Investigation

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students 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. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the Dignity Act Coordinator within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. 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.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, Non-Discrimination and Equal Opportunity, or 5020.1, Sexual Harassment Policy for Students] and the district's Code of Conduct. The Building Principal will prepare a quarterly report for the Superintendent based on complaints filed.

An equitable and thorough investigation will be carried out by Building Principal or Building Dignity Act Coordinator in accordance with the accompanying regulation. In addition, the results of the investigation shall be reported back to both the target and the accused as specified in the accompanying 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. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

If the Building Principal or the Building Dignity Act Coordinator who conducted the investigation believes that any harassment, bullying or discrimination constitutes a crime, he or she will immediately report the incident to the appropriate law enforcement agency and immediately notify the Superintendent of Schools and submit a written report to him or her within one day.

The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. 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.

### Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of bullying 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 that is measured, balanced and age-appropriate 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.

### Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. 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 need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, 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 bullying and preventing the bullying of other students.

While the focus of this policy is on prevention, acts of bullying 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 that is measured, balanced and age-appropriate 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. The District shall ensure the safety of the student or students against whom such harassment, bullying (including cyberbullying) was directed and take reasonable measures to prevent recurrence of the offending behavior.

### Non-Retaliation

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

### Dissemination, Monitoring and Review

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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.

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref:

0100, Non-Discrimination and Equal Opportunity  
4321, Programs for Students with Disabilities  
5020.1, Sexual Harassment Policy for Students  
5300, Code of Conduct  
5710, School Safety and Educational Climate  
9110.2, Workplace Sexual Harassment  
9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.  
Executive Law §290 et seq. (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6  
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)  
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)  
Pollnow v. Glennon, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)  
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)  
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)  
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)  
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)  
Appeal of K.S. 43 Ed. Dept. Rep. 492  
Appeal of Ravick 40 Ed. Dept. Rep. 262  
Appeal of Orman 39 Ed. Dept. Rep. 811

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