

INDIAN RIVER CENTRAL SCHOOL DISTRICT STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education of the Indian River Central School District is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that bullying, discrimination and harassment 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 bullying, discrimination and harassment on school grounds, school buses and at all school-sponsored activities, programs and events.

Discrimination, bullying and harassment 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 or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

Cyberbullying

Cyberbullying means "harassment" or "bullying, where such harassment or bullying occurs through any form of electronic communication. It can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad.

Discrimination

Discrimination means discrimination against any student by a student or students and/or 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/Bullying

Harassment and Bullying have 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/bullying shall mean 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; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (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.

Acts of harassment and bullying shall include, but not be 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, sex or any other legally protected status. For the purposes 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.

Bullying may consist of inappropriate behavior including, but not limited to: threats of intimidation of others, treating others cruelly, terrorizing, coercing, stalking, or habitual put-downs and/or badgering of others, whether done directly, indirectly, face-to-face or remotely through electronic communication (i.e., "cyberbullying"). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

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.

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. Such material shall also include

instruction of safe, responsible use of the internet and electronic communications.

The accompanying regulations provide additional information on the implementation of these measures.

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 is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

The accompanying regulations provide additional information on the implementation of these measures.

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 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.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the District Professional Development Task Force 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 support staff and all staff who have contact with students. The DASA Coordinator, as provided for in the accompanying

regulations, shall 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

Although it can be difficult to step forward, the district cannot effectively address harassment/bullying if incidents are not reported. Students who have been harassed/bullied, parents whose children have been harassed/bullied or other students or staff who observe harassing/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. 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.

There shall be a duty for all school personnel to report any incidents of student-to- student and staff-to-student harassment/bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student harassment/bullying of which they are made aware by students to their building principals or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in 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 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.

Data will be gathered from complaints so that the Board of Education can receive periodic reports, not less than annually, on the number of reported bullying incidents, disaggregated by type and by demographic group on a district-wide and building-level basis.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, harassment/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 harassment/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 district policies, who have acted reasonably and 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 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.

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 will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Administrative Regulations

The Superintendent will establish regulations consistent with this policy designed to

- Further define harassment/bullying/retaliation (giving specific examples thereof);
- Prevent harassment/bullying/retaliation of students;
- Provide students/parents with complaint procedures for reporting harassing/bullying/retaliatory conduct;
- Provide means for addressing harassing/bullying/retaliatory conduct;
- Provide for immediate and thorough investigations of all complaints;
- Take corrective action if harassing/bullying/retaliatory conduct is discovered; and

Prevent retaliation against those who make good-faith reports of harassing/bullying conduct or assist in an investigation related to same.

Cross-ref: 0100, Equal Opportunity
0110, Sexual Harassment/Employees
4321, Programs for Students with Disabilities
5800, Uniform Violent Incident Reporting System
7580, Harassment/Students

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
Tinker v. DesMoines Independent Community School Dist., 393 US 503, (1969) 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)

Oncala 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)

Adoption date:

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of bullying, discrimination, and harassment 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, including cyberbullying, that create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that such conduct might reach school property are prohibited, and may be subject to disciplinary consequences.

Definitions

Cyberbullying

Cyberbullying is harassment or bullying where such harassment or bullying occurs through any form of electronic communication. 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 e-mail messages, instant messages, text messages, digital pictures or images, or website postings (including blogs).

Cyberbullying or harassment has or could have the effect of:

- Causing physical, social/relational, emotional or mental harm to a student;
- Placing a student in reasonable fear of physical, emotional or mental harm;
- Placing a student in reasonable fear of damage to or loss of personal property; or
- Interfering with a student's educational performance and/or denying or limiting a student's ability to participate in or to receive benefits, services or opportunities in the school's programs.

Cyberbullying involving District students may occur both on campus and off- school grounds and may involve student use of the District Internet system or student use of personal digital devices including but not limited to: cell phones, digital cameras, personal computers, electronic tools.

Cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could result in formal discipline by school officials. 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.

Discrimination

Discrimination means discrimination against any student by a student or students and/or 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.

Harassment/Bullying

Harassment and Bullying have 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/bullying shall mean 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; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (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.

Acts of harassment and bullying shall include, but not be 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, sex or any other legally protected status. For the purposes 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.

Bullying may consist of inappropriate behavior including, but not limited to: threats of intimidation of others, treating others cruelly, terrorizing, coercing, stalking, or habitual put-downs and/or badgering of others, whether done directly, indirectly, face-to-face or remotely through electronic communication (i.e., "cyberbullying"). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

Bullying is also understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying, real or perceived, may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying may be a single act or a series of occurrences. Bullying often includes the following characteristics:

- Power imbalance - occurs when a bully uses his/her physical or social power over a target.

- Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- Threat of further aggression - the bully and the target believe the bullying will continue.
- Terror - when any bullying increases, it becomes a systematic violence or harassment used to intimidate and maintain dominance.
- 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.

Employee

“Employee” shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

Gender

"Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.

Hazing

“Hazing” is a form of harassment among students defined as any humiliating or dangerous activity expected of a student to join a group or be accepted by a formal or informal group, regardless of their willingness to participate. Hazing 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. Hazing behaviors include, but are not limited to, the following general categories:

- a) Humiliation: socially offensive, isolating or uncooperative behaviors.
- b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs.
- c) Dangerous hazing: hurtful, aggressive, destructive, and disruptive behaviors.

Incorporated within this definition are various forms of physical, emotional and/or sexual abuse which may range in severity from teasing/embarrassing activities to life threatening actions. Even if the hazing victim participated "willingly" in the activity, or there was no "intent" by the hazer to harm or injure another individual, hazing is still hazing and against District policy, the District Code of Conduct

and may be in violation of New York State Law. However, hazing of students does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions. Any hazing activity, whether by an individual or a group, shall be presumed a forced activity and in violation of Board policy, regardless of the "willingness" of the student to participate.

Material incident of Harassment, Bullying and/or Discrimination

“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 occur off school property, and is the subject of a written or oral complaint to the superintendent, principal, or their designee, or other school employee. 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 practice, disability, sexual orientation, gender, sex or any other legally protected status.

Retaliation

Retaliation is a separate and distinct violation of this policy in which any member of the school community retaliates against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment.

Sexual Harassment

Sexual Harassment specifically means sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.
- Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.
- The conduct, on the basis of sex, could interfere with a student’s educational performance and/or deny or limit a student's ability to participate in or to receive benefits, services or opportunities in the school’s programs.

This applies whether the harassment is between people of the same or different gender. Sexual harassment can include, but is not limited to, verbal, written or physical conduct, directed at or related to a person’s gender or gender expression, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, touching,

pinching, grabbing, kissing or hugging or restraining someone's movement in a sexual way. It also includes sexual violence which is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- Rape
- Sexual assault
- Sexual battery
- Sexual coercion

For purposes of this regulation, sexual harassment includes all verbal or physical conduct of a sexual nature between a District employee, officer, volunteer, vendor or visitor and a student. With respect to sexual harassment between students, the verbal or physical conduct of a sexual nature must be unwelcome to constitute harassment.

Sexual Orientation

"Sexual orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

Staff

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, and/or paraprofessionals.

Prevention

Prevention is the cornerstone of the district's effort to address bullying and harassment. In order to implement this program, the Board will designate, at its annual organizational meeting, the principal at each school to act as the Dignity for All Students Act Coordinator (DASA Coordinator). Each Coordinator shall be employed by the District and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools. The DASA Coordinators are:

Name	School Building	Email	Phone
Troy Decker	High School	tdecker@mail.ircsd.org	(315) 642-3427
Sandra Carpenter	High School	scarpenter@mail.ircsd.org	(315) 642-3427
Nancy Taylor-Schmitt	Middle School	ntaylor-schmitt@mail.ircsd.org	(315) 642-0125
Elizabeth Culbertson	Middle School	eculbertson@mail.ircsd.org	(315) 642-0125
Joseph Folino	Middle School	josephfolino@mail.ircsd.org	(315) 642-0125
Brian Moore	Intermediate School	bmoore@mail.ircsd.org	(315) 642-0405
Kristen Freeman	Intermediate School	kristenfreeman@mail.ircsd.org	(315) 642-0405
Allan O'Brien	Antwerp Primary School	aobrien@mail.ircsd.org	(315) 659-8386
Barbara Allen	Antwerp Primary School	ballen@mail.ircsd.org	(315) 659-8386

Wanda Reardon	Calcium Primary School	wreardon@mail.ircsd.org	(315) 629-1100
Kevin Kelly	Calcium Primary School	kkelly@mail.ircsd.org	(315) 629-1100
Pamela Knight	Evans Mills Primary School	pknight@mail.ircsd.org	(315) 629-4331
Samuel Thomas	Evans Mills Primary School	stthomas@mail.ircsd.org	(315) 629-4331
Barbara Zehr	Philadelphia Primary School	barbarazehr@mail.ircsd.org	(315) 642-3432
Brenda Hull	Philadelphia Primary School	brendahull@mail.ircsd.org	(315) 642-3432
Marlene Durgin	Theresa Primary School	mdurgin@mail.ircsd.org	(315) 628-4432
David Young	Theresa Primary School	davidyoung@mail.ircsd.org	(315) 628-4432
Mary Anne Dobmeier	District Office	mdobmeier@mail.ircsd.org	(315) 642-3441

The Board will also designate the Assistant Superintendent as the DASA Coordinator for the district to assist in implementation of this policy and regulation from the district perspective. These individuals shall be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic groups, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex as well as provided with training which addresses the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. The Superintendent will establish a district-wide Bullying Prevention Task Force, and ensure that Bullying Prevention Coordinating Committees in each school be established that will be overseen by the DASA Coordinator. The Bullying Prevention Coordinating Committees in each school shall consist of the building administration, the school nurse and members of the pupil personnel services department assigned to the school, along with other members. Committees will include representation from staff, administration, students and parents. The committees 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, as set forth in this regulation.

The DASA Coordinators will be responsible for coordinating and enforcing this policy and regulation at the district level and in each school building, including but not limited to coordination of:

- The work of the building-level committees
- Professional development for staff members
- The complaint process, and
- Management of the Dignity Act's civility curriculum components.

Additional components of the district's bullying prevention effort may involve the following:

- Following the principles and practices of *Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011. District curriculum will emphasize developing empathy, tolerance and respect for others.
- 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 (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 bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness 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.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

The Superintendent or designee(s) shall affirmatively discuss the topic of harassment and/or bullying with all students and employees, express the District's disapproval of such conduct and explain the sanctions for harassment and/or bullying. All students and employees of the District shall be informed of the policy on harassment and bullying. The District's Code of Conduct will include an age-appropriate, plain language version of this policy and the consequences of exhibiting harassment and/or bullying behaviors. This policy shall be available to students, parents and employees upon request and an age-appropriate summary of this policy shall also be published in student, parent and employee handbooks, on the District website, and other appropriate school publications.

Reporting and Investigation

The school principal is the school employee charged with receiving all reports of harassment, bullying and discrimination; however, students and parents may make an oral or written complaint of harassment, bullying or discrimination to any teacher, administrator or school employee. The District will act to promptly investigate all complaints, verbal or written, formal or informal, of allegations of discrimination, harassment and bullying; and will promptly take appropriate action to protect individuals from further discrimination, harassment and bullying.

It is essential that any student who believes he/she has been subjected to discrimination, harassment, bullying or retaliatory behavior, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence, immediately report same to any staff member or administrator. The staff member / administrator to whom the report is made (or the staff member/administrator who witnesses or suspects bullying/cyberbullying behavior) shall document and take appropriate action to address then immediacy of the situation and shall promptly report in accordance with the following paragraphs.

Upon receipt of a complaint (even an anonymous complaint), or if a District official otherwise learns of any occurrence of possible conduct prohibited by this policy, the school employee shall promptly and orally notify the school principal no later than one school day after such school employee witnesses or receives the complaint or learns of such conduct. Such school employee shall also file a written report with the school principal no later than two school days after making such oral report.

After receipt of a complaint, the school principal shall lead or supervise a thorough investigation of the alleged harassing, bullying and/or retaliatory conduct. The principal or the principal's designee shall ensure that such investigation is completed promptly and in accordance with the terms of District policy. All complaints shall be treated as confidential and private to the extent possible within legal constraints.

Based upon the results of this investigation, if the District determines that a District official, employee, volunteer, vendor, visitor and/or student has violated the District's Code of Conduct or a material incident of harassment, bullying and/ discrimination has occurred, immediate corrective action will be taken as warranted, it will take prompt action reasonably calculated to end the violation, 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 violation was directed.

As a general rule, responses to acts of harassment, bullying, and/or discrimination against students by students shall incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment.

In the event that the Principal is the alleged offender, the report will be directed to the Superintendent of Schools.

Parents shall be notified of their right to attend any meeting with their child to review a complaint. The school District provides a variety of prevention and intervention programs addressing the safety of students and school personnel, which are described in the District's policies, annual calendar and on the District website. All complaints of alleged harassing, bullying and/or retaliatory conduct shall be:

- i. promptly investigated in accordance with the terms of district policy;
- ii. forwarded to the school building's Dignity Act Coordinator for monitoring; and
- iii. treated as confidential and private to the extent possible within legal constraints.

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.

All incidents of bullying, as defined in this regulation and its accompanying policy, will be included in the Violent and Disruptive Incident Reporting (VADIR) system. Additionally, data will be gathered from complaints so that the Board of Education can receive periodic reports, not less than annually, on the number of reported bullying incidents, disaggregated by type and by demographic group

on a district-wide and building-level basis. The School Principal shall make a regular report on data and trends related to harassment, bullying and discrimination to the Superintendent.

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.

District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying 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 not later than three working 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 a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the District's Code of Conduct.

No later than 30 days following receipt of the complaint, the Superintendent (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 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.

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 notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

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

Civil Rights Implications

If discrimination, harassment, bullying (including cyberbullying) or retaliation behavior contains conduct based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, gender expression, or any other legally protected status and creates a hostile environment, a federal or state civil rights statute has likely been implicated. The Title IX Officer shall be notified and the following actions should take place if the conduct falls into this category:

- Separate the accused harasser and the victim. However, it is important that the school takes care that the victim of the harassment is not penalized. Any separation of the victim from an alleged harasser should be designed to minimize the burden of the victim's educational program.

It is generally not a solution to require the victim to change his or her class schedule.

- Provide counseling for the victim and/or harasser.
- Take disciplinary action against the harasser in line with District Policy and Code of Conduct.
- Provide training or other interventions for the perpetrators and the entire school community to see to it that students, families, and school staff recognize harassment and know how to respond.
- Provide additional services as may be needed to the victim in order to address the effects of the harassment/bullying/retaliation.
- Prevent any further harassment or retaliation against the person who made the complaint or against the victim of the harassment by ensuring that the harassed students and their families know how to report any subsequent problems, conduct follow-up inquiries, and respond promptly and appropriately to address and resolve any continuing or new problems.

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:

- The request may limit the district's ability to respond to his/her complaint;
- District policy and federal law prohibit retaliation against complainants and witnesses;

- The district will attempt to prevent any retaliation; and
- 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.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying, harassing and/or discriminatory behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in good faith in any manner in an investigation, proceeding, or hearing of a bullying 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 bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to discrimination, bullying and harassment 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
- 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.

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

Training

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. 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. School employees will be made aware of the effects of harassment, bullying, cyberbullying and discrimination on students. Curriculum and professional development will support the implementation of this policy / regulation and develop early proactive interventions involving civility and character training for the bully/harasser, victim, and the entire school community. Administrative guidelines and procedures for all forms of bullying and/or peer harassment will apply as outlined in the student Code of Conduct.

Training of school employees shall also address 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 or sex, the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

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