

The Board of Education affirms its commitment to maintaining both educational and work settings which support respect, dignity and equality. Further, the Board of Education also recognizes its responsibility to provide an environment that is free of harassment, hazing, cyberbullying and/or bullying. The Board of Education recognizes that these acts are counter to the mission of the district and the goals of the Board of Education. By disrupting the learning environment, these behaviors affect all concerned with the educational mission: those bullied, those doing the bullying, and bystanders.

As a result, the Board of Education forbids all forms of harassment, hazing, cyberbullying/bullying on any district property, school buses, or school-sponsored event – both on and off school grounds that either substantially disrupts the learning environment or negatively affects the rights of others.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a 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.

Prevention and Intervention

The school learning environment provides an opportunity for both students and staff to gain an appreciation in a key district value: the importance of respect and working positively with others. The District recognizes that by requiring the implementation of an anti-bullying program, through both direct student instruction and professional development for staff, both students and staff will learn key elements about bullying prevention: the warning signs of bullying and everyone's responsibility to take an active role in preventing bullying before overt acts of bullying happen. Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor.

The District recognizes the importance of eliminating unacceptable conduct and works proactively to prevent these behaviors. School personnel who become aware of harassment shall act promptly to address the harassment, with the goal of preventing it from recurring. Where appropriate, school personnel will address the effects on the individual who was harassed. Remedial measures will generally include counseling of persons(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on addressed issues of harassment.

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. Individual intervention will be provided by appropriate staff members to bullies/participants, victims and parents to help ensure that the bullying stops. Staff members and students will be made aware, 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.

Although the focus of this policy is prevention, it is recognized that acts of bullying and harassment may still transpire. In such instances, disciplinary action may occur in accordance with the District's Code of Conduct. Consequences shall depend upon the specific circumstances surrounding the incident, the developmental level of the student, their disciplinary history, and must be consistent with the District's Code of Conduct. Rules against bullying shall be publicized district-wide and shall be disseminated as appropriate to staff, students and parents.

Definitions

Harassment:

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§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 their 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 (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- 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~~ includes 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.

Bullying:

Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior. “Bullying” is a form of harassment that consists of inappropriate persistent behavior including threats or intimidation of others, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering others. Bullying can take at least three forms:

- *Physical* (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- *Verbal* (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- *Psychological* (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

Bullying is characterized by:

- *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 the bullying increases it becomes “systematic violence or harassment used to intimidate and maintain dominance.”

-Barbara Coloroso, *The Bully, The Bullied & The Bystander*

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).

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. The fact that a victim may consent to the act does not excuse the behavior or lessen the offense.

Cyberbullying:

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving district students/staff may occur both on campus and off school grounds and may involve the use of the district internet system or use of electronic devices while at school, through any form of electronic communications.

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 or direct messages, text messages, digital pictures or images, or website postings (including blogs).

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming an individual;
- b) Placing an individual in reasonable fear of physical, emotional or mental harm;
- c) Placing an individual 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 or any other individual's opportunities.

Also, cyberbullying that occurs off-campus, which endangers the health and safety of students or staff within the school or can be reasonably forecast to cause a material or substantial disruption to the educational process, is prohibited. 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.

Dignity Act Coordinator

- At least one employee in every school shall be designated as a Dignity Act Coordinator and instructed in the provisions of the proposed rule and thoroughly trained in methods to respond to human relations in the areas of race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (including gender identity and expression).

The designation of each Dignity Act Coordinator shall be approved by the Board of Education annually.

The name(s) and contact information for the Dignity Act Coordinator(s) shall be shared with all school personnel, students, and persons in parental relation. This shall be done by:

- including in District Code of Conduct;
- posting on District website;
- included in at least one district or school mailing per school year;
- posted in highly-visible areas of school buildings;
- made available at the district and school level administrative offices

In the event a Dignity Act Coordinator vacates their position, another school employee shall be immediately designated for an interim appointment as Coordinator, pending approval of a successor Coordinator by the Board of Education within 30 days of the date the position was vacated. In the event a Dignity Act Coordinator is unable to perform the duties of their position for an extended period of time, another school employee shall be immediately designated for an interim appointment as the Dignity Act Coordinator, pending return of the previous Dignity Act Coordinator to their duties as Dignity Act Coordinator.

Complaint Procedure

Students, or a parent(s)/legal guardian(s) who believe their student has been subjected to harassment by another student, teacher, administrator or other school personnel should report the incident(s) immediately to the Dignity Act Coordinator or another school administrator, teacher or counselor. If the student, parent(s) and/or legal guardian(s) desires further assistance regarding the complaint, the Superintendent may be contacted. If a staff member who believes they have been subjected to harassment by another individual within the district should report the incident as abovementioned.

Complaints can be filed by completing a "Nondiscrimination/Anti-Harassment Complaint Form. Forms can also be accessed on the district's homepage: www.jcschools.com. Forms can be turned in to the main office or with the district compliance officer at each building. All inquiries and harassment complaints filed with the district are confidential to the extent possible as described below. Confidentiality also applies to the investigative process.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of harassment, hazing, cyberbullying and/or 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 their 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 their complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

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

Procedure and Decision of Investigator

A. Initial (Building-Level) Procedure

Whenever a complaint of harassment, hazing, cyberbullying, and/or bullying is received, whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal or Superintendent/ designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, hazing, cyberbullying and/or bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three working days following receipt of a complaint, the Building Principal or Superintendent/ designee should begin an investigation of the complaint by:

1. reviewing any written documentation provided by the victim(s);
2. conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations; and by
3. providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

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

1. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
2. suggesting counseling and/or sensitivity training;
3. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
4. mediation;
5. requesting a letter of apology to the victim;
6. writing letters of caution or reprimand; and/or
7. separating the parties.

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

The Building Principal or the Superintendent/designee shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them..

If a complaint contains evidence or allegations of serious or extreme harassment, hazing, cyberbullying or bullying, the complaint shall be referred promptly to the superintendent. In addition, where the Building Principal has a reasonable suspicion that the alleged harassment, hazing or cyberbullying/bullying incident involves criminal activity, they should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

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

B. District-Level Procedure

The Superintendent shall promptly investigate and resolve all harassment, hazing, cyberbullying, and bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation by a Building Principal. 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 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/designee 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 investigation results in a determination that harassment, hazing, cyberbullying, or bullying did occur, prompt corrective action will be taken to end the misbehavior. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

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 victim 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.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either State or federal court.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited harassment, hazing, or cyberbullying/bullying will be subject to appropriate disciplinary action.

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

1. Students - Discipline may range from a reprimand, up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.
2. Employees - Discipline may range from a warning, up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.
3. Volunteers - Penalties may range from a warning, up to and including loss of volunteer assignment.
4. Vendors - Penalties may range from a warning up to and including loss of district business.
5. Other Individuals - Penalties may range from a warning, up to and including denial of future access to school property.

Training

Staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students/staff. Training will be provided to employees in conjunction with the district's existing professional development in order to:

- raise awareness and understanding of the District's Code of Conduct;
- raise awareness and sensitivity to potential acts of discrimination or harassment directed at students or staff, that are committed by students or school employees on school property or at school functions; including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex;
- enable employees to prevent and respond to incidents of discrimination and harassment.