

5AAA: DIGNITY FOR ALL STUDENTS ACT

The Board of Education of the Scotia-Glenville Central School District recognizes the importance of a learning environment that is safe and supportive for each student and staff member. Such an environment, which has a positive impact on a student's ability to learn and achieve at his/her highest level, is compromised by incidents of harassment, bullying, and discrimination, including but not limited to cyberbullying, taunting, and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of harassment, bullying, and discrimination and will foster civility in the schools to prevent and prohibit conduct that is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of harassment, bullying, and discrimination of students based on the following actual or perceived characteristics: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. This prohibition extends to harassment, bullying, or discrimination by either school employees or students that takes place on school property, in school buildings, and at school-sponsored events, programs and activities, including those taking place at locations off school property or outside New York State. In addition, any act of harassment, bullying or discrimination, other than school sponsored events, which 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, may be subject to discipline.

Dignity Act Coordinator (DAC)

At least one (1) employee at every school will be designated as the Dignity Act Coordinator in accordance with this Policy. Each Dignity Act Coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint the Dignity Act Coordinators; the names of and contact information for the Dignity Act Coordinators will be shared with all school personnel, students, and parents/persons in parental relation.

The Dignity Act Coordinator will assist and serve as a resource for building principals and others responsible for receiving and investigating reports of harassment, bullying and discrimination in violation of this Policy and the policies listed below:

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

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participate in the investigation of a complaint of harassment, bullying or discrimination.

This policy applies to communication (verbal, written or graphic) and/or physical conduct based on the characteristics described above, between or among employees; between or among employees and students; between or among students and students; and between or among employees or students and third parties such as vendors, contractors, others who do business with the school district, school volunteers, visitors, or guests.

Scotia-Glenville Central School District

Policy 5AAA: DIGNITY FOR ALL STUDENTS ACT REGULATION

The Scotia-Glenville Board of Education recognizes the importance of a learning environment that is safe and supportive for each student and staff member. Such an environment, which has a positive impact on a student's ability to learn and achieve at his/her highest level, is compromised by incidents of harassment, bullying and discrimination, including but not limited to cyberbullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of harassment, bullying and discrimination and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

This Regulation governs the process of reporting and investigating violations of the District's policies against harassment, bullying and discrimination, including bullying and hazing, specifically policies 0100, 0110, 0150, 1520, 5020, 5310, 9010. The phrase "harassment, bullying and discrimination," as used throughout this Regulation, refers to all conduct which violates any of those policies. Specifically, this Regulation applies when communication or physical conduct:

1. Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
3. substantially or unreasonably interferes with an individual's mental, emotional or physical well-being;
4. reasonably causes or would be expected to cause an individual to fear for his or her physical safety;
5. reasonably causes or would be expected to cause physical injury or emotional harm to an individual; or
6. otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Training

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

Appropriate training concerning prohibited harassment, bullying and discrimination will be provided to all new staff members, and the subject will be reviewed annually with all employees. Information concerning prohibited harassment, bullying and discrimination shall be included in the student Code of Conduct and shall be incorporated into age appropriate curriculum.

Curriculum and Instruction

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

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

Dignity Act Coordinator

The District's Dignity Act Coordinator (DAC) is responsible for overseeing the development, adoption, and implementation of procedures for reporting and investigating reports of harassment, bullying and discrimination. In most cases the building principal or designee shall be responsible for receiving and investigating, or supervising the investigation of, complaints of harassment, bullying and discrimination. Complaints of harassment, bullying or discrimination against a building principal, district level administrator, or employee whose work location is the District Office shall be received by the Superintendent of Schools, who shall investigate or supervise the investigation. The term "Investigator" used in this Regulation shall refer to the building principal or the Superintendent, or a person designated by either of them to investigate complaints of harassment, bullying or discrimination under their supervision.

Personnel at all levels are responsible for taking corrective action to prevent harassment, bullying and discrimination of which they have become aware, and to report such behavior to their immediate supervisor. Such reports must be made orally as promptly as possible, but in no event later than 24 hours after the employee becomes aware of the harassment, bullying or discrimination, and must be confirmed in writing not later than two (2) school days after the oral report is made.

Reports and Investigations of Harassment, Bullying and Discrimination

The District will investigate all complaints of harassment, bullying and discrimination, either formal or informal, and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. If, after an appropriate investigation, the District finds that any policy has been violated, corrective action will be taken in accordance with District policies and regulations, the Code of Conduct, and all appropriate federal or state laws.

The District will annually report material incidents of harassment, bullying and discrimination to the State Education Department in accordance with the requirements of the Commissioner's Regulations.

Procedures for Submitting Complaints

All complaints of harassment, bullying and discrimination, whether written or verbal, formal or informal, will be promptly, equitably, and thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment, bullying and discrimination. It is recommended that any employee or student who believes he/she has been subjected to harassment, bullying and discrimination, or any student who witnesses or otherwise has reason to know of any incident of harassment, bullying or discrimination, submit a written complaint to the Investigator. However, complaints may be made verbally and even anonymously, and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. A parent or other member of the community may also make either a formal or informal complaint.

A form will be developed and made available for this purpose, but use of the form is not required in order to start an investigation. In order to assist in the investigation, the complainant should provide as much detail as possible concerning the incident or incidents complained of including, but not limited to, the following:

- 1) The name and contact information of the complainant.
- 2) The name and/or description of the alleged offender or offenders.
- 3) The specific nature of the alleged harassment, bullying or discrimination, including the complainant's explanation of why he/she believes it to be harassment, bullying or discrimination.
- 4) A thorough and detailed account of the actions and/or dialogue which occurred between the alleged offender and the complainant and any others present. This

- account should include the frequency of the conduct, the date, time, location of each incident, and the complainant's actions and responses during the incident(s).
- 5) The names of witnesses or of persons who have knowledge of the incident(s), including the names of persons with whom the complainant discussed the incident, and the time and date of this discussion.
 - 6) Written material, documents, or other evidence related to the incident.

If the individual who experiences, witnesses, or otherwise becomes aware of questionable behavior is in doubt as to whether such behavior constitutes harassment, bullying or discrimination, he/she is still encouraged to immediately report the behavior for investigation.

The complaint is to be directed to or forwarded to the appropriate DAC or the DAC's designee who will promptly begin an investigation.

A complaint, either verbal or written, received by an employee other than the DAC or a designee of the DAC, shall be promptly transmitted to the DAC. The employee receiving such a complaint shall inform the complainant of the employee's obligation to forward the complaint. If the report is verbal either the receiving staff member or the Investigator will fill out the complaint form.

Procedures for Investigating Complaints of Harassment, Bullying or Discrimination

Upon receipt of a complaint alleging that a student has suffered harassment, bullying or discrimination the DAC / Investigator will inform the parents of the student alleged to have suffered harassment, bullying or discrimination, and the parents of any student accused of having committed the harassment, bullying or discrimination. If any accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504 or the Individuals with Disabilities Education Act, a referral shall be made to the Committee on Special Education for appropriate action in accordance with state and federal law and regulations.

If the person accused of having committed the harassment, bullying or discrimination is an employee, the DAC / Investigator will immediately inform the Superintendent's Office. The DAC / Investigator may also request assistance in the investigation from the Superintendent or Superintendent's designee.

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports received by any DAC / Investigator, and the status of any investigation.

The DAC / Investigator will begin investigating the allegations of the complaint no later than three (3) working days following receipt of the complaint, and will report the findings of the investigation to the Superintendent no later than twenty (20) working days following receipt of the complaint. If necessary, the DAC / Investigator may enlist the aid of additional investigators. If the complaint investigation cannot be completed within twenty days the DAC / Investigator will file an interim report, informing the

Superintendent of the reason the investigation has not been completed, the information received to that point, and when the DAC / Investigator expects to complete the investigation.

The DAC / Investigator will meet separately with the complainant, each person complained of, and each person identified as a possible witness. In questioning employees the DAC / Investigator will comply with any applicable law or collective bargaining agreement. The DAC / Investigator will take and keep notes concerning all actions taken as part of the investigation.

The DAC / Investigator will ask the complainant, and the alleged victim if not the complainant, what specific action they want taken by the District in the event the person complained of is found to have committed the harassment, bullying or discrimination as charged.

The DAC / Investigator may search all school property and equipment including District computers, and rooms, desks, cabinets, lockers, or computers provided by the District for the use of staff and students. Users of such District-provided space and equipment do not have exclusive use of them and should not expect that materials stored therein will be private.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

The complainant, each person complained of, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

During the course of the investigation and thereafter, the DAC / Investigator will instruct each person complained of to have no contact or communication regarding the complaint with the complainant, the alleged victim if other than the complainant, or any witnesses. The DAC / Investigator will also advise each person complained of that retaliation, whether direct or indirect, against the complainant, alleged victim if not the complainant, or any witness is prohibited and may lead to disciplinary action.

The DAC / Investigator will also instruct the complainant, alleged victim if not the complainant, and any witnesses to refrain from contacting or communicating with any person complained of regarding the complaint.

If the complainant attempts to withdraw a complaint, the DAC / Investigator will determine whether the withdrawal is a result of retaliation. If the request to withdraw the complaint is not the result of retaliation, the DAC / Investigator will document the complainant's reasons and ask the complainant to sign the documentation. The DAC / Investigator, in consultation with the Superintendent, may decide to proceed with the investigation despite the withdrawal of the complaint.

A copy of all written material pertaining to every complaint will be retained in a separate confidential file. Such records will be maintained for the period of time required by law.

In investigating any complaint of harassment, bullying or discrimination, the DAC / Investigator shall keep the following in mind:

Any alleged victims should be assured that any violation by them of school rules will be addressed separately from the allegations of harassment, bullying or discrimination. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

A single incident of harassment, bullying or discrimination may on occasion be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from harassment, bullying or discrimination outside of school when in the school setting.

Harassment, bullying or discrimination can be student-to-student, staff-to-student, student-to-staff, as well as staff-to-staff, can originate from a third party such as a school visitor, volunteer, or vendor, and can be committed by a person of either sex against a person of the opposite or same sex.

Completion of the Investigation and Report

If the DAC / Investigator concludes that one or more of the persons complained of committed harassment, bullying or discrimination, they will determine and implement appropriate corrective action. In doing so, the DAC / Investigator will take into consideration the complainant's or victim's proposals concerning an appropriate corrective response, but the DAC / Investigator is not obligated to implement such proposals. The DAC / Investigator will refer the matter to police authorities if it appears that a crime may have been committed; this referral may be made at any point in the investigation process, but will not relieve the District of the responsibility to complete its investigation.

The DAC / Investigator will prepare a written report of the investigation and actions taken as a result of the investigation. The report will be provided to the complainant, the alleged victim if other than the complainant, each person complained of, and the Superintendent. Identifying information concerning students other than the complainant, alleged victim, and persons complained of will be redacted from copies of the report provided to students.

A complainant or victim, if other than the complainant, whether or not harassment, bullying or discrimination has been determined, may pursue other legal avenues of recourse, including filing a complaint with the U.S. Department of Education's Office for Civil Rights, the federal Equal Employment Opportunity Commission or the New York

State Department of Human Rights or commencement of a lawsuit in either federal or state court.

Appeal to the Superintendent of Schools

Any party may appeal from the determination of the DAC / Investigator by filing a written notice of appeal with the Superintendent of Schools within ten (10) working days of issuance of the written report of the investigation. In the event the Superintendent personally served as the Investigator, the party may file an appeal to the Board of Education in accordance with the procedures set forth below.

Should the Superintendent determine, on the appeal, that corrective action is necessary, the Superintendent will follow all applicable law and regulations, District policy and guidelines, and appropriate collective bargaining agreements in the resolution of the complaint. The Superintendent will issue a written determination on the appeal within 20 working days of receipt of the written notice of appeal. If any party is not satisfied with this resolution; he/she may appeal the decision to the Board of Education by filing a written notice of appeal with the District Clerk within ten (10) working days following receipt of the Superintendent's decision.

Appeal to the Board of Education

The Board of Education will consider the appeal and issue a written decision within thirty (30) calendar days of receipt of the appeal. All parties will be provided a copy of such decision when it is issued.

Disciplinary Consequences

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Policy [5310] and this Regulation are meant to promote progressive discipline and intervention, as opposed to a "zero tolerance" approach, taking into consideration the student's developmental age and history of problem behaviors as well as the nature of the incident. The disciplinary responses when it is determined that harassment, bullying or discrimination has taken place shall be such as are reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and provide for the safety of the complainant and the victim, if other than the complainant.

Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct, and the applicable collective bargaining agreement(s).

Third parties (such as school volunteers, vendors/contractors, etc.) who are found to have violated District policy and/or accompanying regulations, and the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law.

Retaliation

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment, bullying or discrimination. Follow-up inquiries shall be made to ensure that the harassment, bullying or discrimination has not resumed and that none of those involved in the investigation have suffered retaliation as a result of the complaint and investigation. Any act of retaliation is subject to appropriate disciplinary action by the District.

An Employee or student who knowingly makes false accusations of harassment, bullying or discrimination may also face appropriate disciplinary action.

Procedures for Handling Informal Complaints of Harassment, Bullying or Discrimination

An individual who believes that he/she has been subjected to harassment, bullying or discrimination or anyone who is aware of or who has knowledge of or witnesses an occurrence of harassment, bullying or discrimination may initiate an informal process prior to filing a formal complaint. A meeting with the DAC or designee, the building principal or, if the complaint concerns a building principal, district level administrator, or employee whose work location is the District Office, the Superintendent, should be requested in order to discuss the allegations and further appropriate actions, if any. The DAC or designee or Superintendent may discuss the complaint with the alleged offender; if the alleged offender is a District employee, such discussion will conform to the requirements of any applicable collective bargaining agreement.

Procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. While the person initiating the informal process is encouraged to await the outcome of that process, they are not required to do so, and may file a formal complaint at any time regardless of whether there has been an informal process, or whether that process has been completed.