

# POLICY

Students 7552  
1 of 3

Adopted 07.11.11

## **SUBJECT: DIGNITY FOR ALL STUDENTS: PROHIBITING DISCRIMINATION AND HARASSMENT OF STUDENTS**

The Board of Education ("Board") is committed to providing a safe and productive learning environment within its schools. In accordance with New York State's "Dignity for All Students Act" ("DASA") the Board is committed to promptly addressing incidents of harassment and/or discrimination of students that impede students' ability to learn. This includes bullying, taunting or intimidation in all their myriad forms.

### **Policy Definitions:**

"*School property*" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained with- in the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.

"*School function*" means a school-sponsored extra-curricular event or activity.

"*Harassment*" means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to bullying, cyber bullying, sexting or other conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

"*Bullying*" means a series of acts or a single negative act (depending on severity) that involve(s) a real or perceived imbalance of power, i.e., where a more powerful (whether real or perceived) group of students, or an individual student engages in harassment of another student or students who is/are less powerful or perceived to be less powerful. Bullying can take many forms, including but not necessarily limited to the following three forms:

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

(Continued)

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Students 7552  
2 of 3

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“*Cyberbullying*” means online social cruelty or electronic bullying that involves the use of information technology, including e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate students. This includes but is not necessarily limited to sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person (including but not limited to “*sexting*”); pretending to be someone else in order to make that person look bad.

“*Sexting*” means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email.

No student shall be subjected to harassment by employees or students on school property or at a school function. Nor shall any student be subjected to discrimination based on the student’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex, by school employees or students on school property or at a school function.

In addition, the District reserves the right to discipline students who engage in harassment of students off school property under circumstances where such off-campus conduct 1) affects the educative process; 2) actually endangers the health and safety of District students within the educational system; or 3) is reasonably believed to pose a danger to the health and safety of District students within the educational system. This includes written and/or verbal harassment which materially and substantially disrupts the work and discipline of the school and/or which school officials reasonably forecast as being likely to materially and substantially disrupt the work and discipline of the school.

Any student who believes that s/he is being subjected to harassment, as well as any other person who has knowledge of or witnesses any possible occurrence of harassment, shall report the harassment to any staff member or to the Building Principal. A staff member who witnesses harassment or who receives a report of harassment shall inform the Building Principal. The Building Principal to whom the report is made shall promptly investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of harassment. Investigation of allegations of harassment shall follow the procedures utilized for complaints of harassment within the School District, as specified in District Policy No. 3420 and the accompanying Administrative Regulations 3420-R. The Superintendent shall designate one or more staff members in each school building to 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 and sex.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

(Continued)

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3 of 3

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Personnel at all levels are responsible for reporting harassment of which they have been made aware to their immediate supervisor. .

In furtherance of this Policy, the Superintendent is authorized and directed to prepare administrative guidelines:

1. To be used in school training programs to discourage the development of discrimination or harassment, and that are designed to:
  - a. raise the awareness and sensitivity of school employees to potential discrimination or harassment, and
  - b. enable employees to prevent and respond to discrimination or harassment.
2. Relating to the development of nondiscriminatory instructional and counseling methods.

Refer also to Policies #3410 -- Code of Conduct on School Property  
#3420 -- Prohibiting Discriminatory Harassment, including Sexual Harassment, in the School District  
#7553 -- Hazing of Students  
#7310 -- District Code of Conduct

*Wisniewski v. Bd. of Educ. of Weedsport CSD*, 494 F.3d 34 (2d Cir. 2007), *cert. denied*, 128 S.Ct. 1741 (2008).