

## **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

The Board of Education of the Hicksville Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the District to prohibit bullying and harassment on District property, district transportation, and at school-sponsored events and functions. Acts of bullying and harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, either on school property, at a school function, on a school or coach bus, or off school property where there is a sufficient nexus to the school environment.

### **DEFINITIONS:**

"Bullying" and "Harassment":

1. "Bullying" and "harassment" mean the creation of a hostile educational environment:
  - a) by written, verbal, or physical conduct, intimidation or abuse, including such behavior conducted via electronic communication, that has the effect of substantially interfering with a student's education or reasonably causes, or would be expected to cause, a person to fear for his or her physical safety;
  - b) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.
  - c) 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.
2. "Bullying" and "harassment" can take many forms including, but not limited to: verbal acts, name-calling, slurs, rumors, jokes, innuendo, demeaning comments,

conduct that is humiliating, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, physical, or electronic actions.

3. The basis for such conduct may include, but is not limited to, a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, and familial status.
4. "Bullying" and "harassment" do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents.

#### "Discrimination"

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.

#### "Electronic communication"

"Electronic communication" means a communication transmitted by means of an electronic device including, but not limited to: a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs and twitter.

### **REPORTING:**

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment, or similar behavior report it immediately to District administrative staff, a teacher or school nurse.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to building principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct.. The principal as DAC or their designee will prepare an annual report for the Superintendent based on complaints filed.

The District will promptly investigate all complaints, whether informal or formal, verbal or written. Complaints will be treated confidentially to the extent possible, but limited disclosure may be required to complete a thorough investigation. If, after investigation, the district finds that there has been a violation of this policy, prompt corrective action will be taken.

**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 principal as DAC or their designee. 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.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment and who, acting in good faith, either reports such information to school officials, to the Commissioner, or to law enforcement authorities, or otherwise participates in the proceedings related to such bullying or harassments, shall have immunity from any civil liability arising from making such report or participating in the related investigation.

Retaliation for reporting incidents of bullying or harassment or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

**POLICY IMPLEMENTATION:**

The Superintendent of Schools shall implement regulations for reporting, investigating and addressing allegations of harassment and discrimination.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program which shall include elements of prevention, intervention and consequences.

Prevention will include:

- (1) training for administrators and staff to increase awareness of the prevalence, causes, and consequences of bullying and harassment, and sharing strategies for preventing such behavior;
- (2) promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect, and creating a culture which encourages students to report incidents of bullying and harassment, or similar behavior to an adult; and
- (3) collaborating with families and the community to inform parents about the prevalence, causes, and consequences of bullying and harassment.
- (4) 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 may be included in the instructional program K-12.

Intervention will include:

- (1) training for school staff on how to respond appropriately to students who engage in bullying or harassing behavior, are victims of such behavior, and/or are bystanders who report such behavior;
- (2) training will include the effects of harassment on students and the social patterns of harassment, bullying and discrimination; the identification and mitigation of harassment, bullying and discrimination; and strategies to address exclusion, aggression and bias in educational settings.
- (3) remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence, and protect the victim;
- (4) development of nondiscriminatory instructional and counseling methods; and
- (5) thorough training for at least one staff member, who will be designated at the Board's annual organization meeting as the Dignity Act Coordinator, at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, and familial status. This staff member's contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.

Consequences may include:

- (1) disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted; and

- (2) recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

This policy shall be posted in a prominent place in each district facility, shall also be included in the Code of Conduct in plain language, student registration materials, student,

parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as part of the District's summary of the code of conduct.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
 0110, Sexual Harassment  
 4321, Programs for Students with Disabilities  
 5300, Code of Conduct  
 5710, Violent and Disruptive Incident Reporting  
 9700, Staff Development

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

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