

Students

SUBJECT: DIGNITY FOR ALL STUDENTS**Definitions**

For purposes of this regulation and Policy #7550, the following definitions apply:

- 1) "Cyberbullying" means harassment or bullying that occurs through any form of electronic communication.
- 2) "Discrimination" means discrimination against any student by one or more students and/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.
- 3) "Gender" means actual or perceived sex and includes a person's gender identity or expression.
- 4) "Harassment" and "bullying" mean the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, that either:
 - a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional, and/or or physical well-being; including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
 - b. Reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

This definition includes acts of harassment or bullying that occur:

- a. On school property; and/or
- b. At a school function; or
- c. Off school property where such acts create 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.

As used in this definition, the term "threats, intimidation, or abuse" includes verbal and non-verbal actions and the term "emotional harm" means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

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Acts of harassment and bullying include, but are not limited to, 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.

- 5) "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, this term includes 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. This conduct includes, 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, or sex; provided that nothing herein will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2)(a) and Title IX of the Education Amendments of 1972, or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.
- 6) "Protective hairstyles" includes, but is not limited to, hairstyles such as braids, locks, and twists.
- 7) "Race" includes traits historically associated with race, including but not limited to, hair texture and protective hairstyles.
- 8) "Report of harassment, bullying, and/or discrimination" means a written or oral report of harassment, bullying, and/or discrimination that could constitute a violation of the Dignity for All Students Act. This report may include, but is not limited to, the following examples:
 - a. A report regarding the denial of access to school facilities, functions, opportunities, or programs including, but not limited to, restrooms, changing rooms, locker rooms, and/or field trips, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex;
 - b. A report regarding application of a dress code, specific grooming or appearance standards that is based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex;

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- c. A report regarding the use of name(s) and pronoun(s) or the pronunciation of name(s) that is based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex; or
 - d. A report regarding any other form of harassment, bullying, and/or discrimination, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex.
- 9) "School function" means a school-sponsored extracurricular event or activity.
 - 10) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in Vehicle and Traffic Law Section 142.
 - 11) "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality.

Internal Reports and Investigations of Harassment, Bullying, and/or Discrimination

All District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent or principal, their designee, or the Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the District employee must file a written report with the Superintendent or principal, their designee, or the DAC using the District's Dignity Act Complaint Form (Form #7550F).

The Superintendent or principal, their designee, or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remediating complaints of harassment, bullying, and/or discrimination.

Additionally, other District policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7551 -- Sexual Harassment of Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

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The determination as to which District policies and/or documents are applicable is fact specific, and the DAC may work with other District staff such as the District's CRCO(s) and/or Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent or principal, their designee, or the DAC will take prompt action, consistent with applicable laws and regulations as well as the District's *Code of Conduct*, reasonably calculated to end the harassment, bullying, and/or discrimination, 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 the behavior was directed.

The Superintendent or principal, their designee, or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

Reporting IncidentsReporting Incidents to the Superintendent

At least once during each school year, each building principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent in a manner prescribed by the District. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

Reporting of Material Incidents to the Commissioner of Education

Each school year, the District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

The District will include in its annual report all material incidents of harassment, bullying, and/or discrimination that:

- 1) Are the result of the investigation of a written or oral complaint made to the Superintendent or principal, their designee, the DAC, or any other employee; or
- 2) Are otherwise directly observed by the Superintendent or principal, their designee, the DAC, or any other employee regardless of whether a complaint is made.

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The report will include information describing the specific nature of the incident, including, but not limited to:

- 1) The type(s) of bias involved (actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex, or other). Where multiple types of bias are involved, they will all be reported;
- 2) Whether the incident resulted from student and/or employee conduct;
- 3) Whether the incident involved physical contact and/or threats, intimidation, or abuse, including cyberbullying; and
- 4) The location where the incident occurred (on school property or at a school function, or off school property, where applicable).

Education Law §§ 10-18
8 NYCRR § 100.2

NOTE: Refer also to Regulations #3420R -- Grievance Process for Complaints of Discrimination and/or Harassment
#3420F -- Discrimination, Harassment, and/or Retaliation Complaint Form
#3421F -- Title IX Formal Complaint Form
#5670R -- Records Management
#7550R.1 -- Strategies to Prevent Harassment, Bullying, and Discrimination
#7550F -- Dignity Act Complaint Form
District Code of Conduct

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