

POLICY	5360
	Adopted: February 8, 2011 Revised: August 27, 2013
Student Policies	

SUBJECT: DIGNITY FOR ALL STUDENTS ACT POLICY

The Board finds that students’ ability to learn and to meet high academic standards, and an educator’s ability to educate his or her students, are compromised by incidents of discrimination or harassment including bullying, cyber-bullying, taunting or intimidation. It is hereby declared to be the policy of the BOCES to afford all students in its schools and classrooms an environment free of discrimination, harassment and bullying. The purpose of this policy is to foster civility in the BOCES’ schools and classrooms and to prevent and prohibit conduct which is inconsistent with BOCES’ educational mission.

Therefore, the Board is committed to providing a school environment that is free from harassment, discrimination and bullying.

Harassment and Discrimination Prohibited

No BOCES student shall be subjected to harassment, discrimination, bullying or cyber-bullying by BOCES employees or other BOCES students on BOCES property or at a BOCES function.

No BOCES student shall 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 BOCES employees or other BOCES students on BOCES’ property or at a BOCES’ function.

Definitions

“BOCES employee” shall mean any person receiving compensation from the BOCES.

“BOCES function” shall mean a BOCES sponsored extra-curricular event or activity.

“BOCES property” shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a BOCES campus, as well as any space owned or leased by BOCES, or in or on a BOCES school bus.

“Cyber-bullying” shall mean harassment or bullying that occurs through any form of electronic communication.

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“Disability” shall mean (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such impairment.

“Gender” shall mean actual or perceived sex and shall include a person’s gender identity or expression.

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyber-bullying, that:

1. 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;
2. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety;
3. Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. 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.

Acts of harassment and bullying shall include, but not be limited to, those 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. For the purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Sexual orientation” shall mean actual or perceived heterosexuality, homosexuality or bisexuality.

Reporting Harassment, Bullying and Discrimination

Reports of harassment, bullying and discrimination shall be made to a Principal, Assistant Principal, District Superintendent or Dignity Act Coordinator. Students and parents/guardians may make a verbal or written report of harassment, bullying or discrimination to BOCES’ teachers or administrators.

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BOCES employees who witness harassment, bullying or discrimination, or who receive a verbal or written report of harassment, bullying or discrimination, shall promptly verbally notify the Principal, Assistant Principal, District Superintendent or the Dignity Act Coordinator not later than one school day after such employee witnesses or receives a report of harassment, bullying or discrimination. After such verbal notification, the employee shall file a written report with the Principal, Assistant Principal, District Superintendent or the Dignity Act Coordinator not later than two school days after making the verbal report.

Investigation

The Principal, Assistant Principal, District Superintendent or the Dignity Act Coordinator shall conduct a thorough investigation of all reports of harassment, bullying or discrimination, and ensure that said investigation is completed promptly after receipt of any written reports.

Remediation

In the event an investigation verifies harassment, bullying or discrimination, the BOCES shall:

1. Take prompt actions reasonably calculated to end the harassment, bullying or discrimination;
2. Eliminate any hostile environment;
3. Create a more positive school culture and climate;
4. Prevent recurrence of the behavior; and
5. Ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed.

Individuals whose behavior is found to be in violation of this policy will be subject to discipline or removal from the premises in accordance with school policy, including the Code of Conduct and the Internet Safety and Acceptable Use Policies. Specifically, any BOCES employee or BOCES student who is found to have violated this policy may be subject to discipline in accordance with applicable policy, collective bargaining agreement, and/or law.

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The District Superintendent shall ensure that educational administrators develop guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students, with remedies and procedures following a progressive model that make appropriate use of intervention, discipline and education, which vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors that are consistent with the Code of Conduct.

When the investigating Administrator believes that any harassment, bullying or discrimination constitutes criminal conduct, such Administrator (in consultation with the District Superintendent and the school attorney, if necessary) shall promptly notify the appropriate local law enforcement agency.

Retaliation Prohibited

Retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying or discrimination, is strictly prohibited.

Specifically, no BOCES employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in formal or informal proceedings pursuant to this policy or applicable law.

Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by a BOCES employee or student, on BOCES grounds or at a BOCES function, who, acting reasonably and in good faith, reports such information to BOCES officials, to the Commissioner of Education, or to law enforcement authorities, in compliance with the reporting procedures above, or otherwise initiates, testifies, participates or assists in any such formal or informal proceedings shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings.

Training and Staff Development

The District Superintendent shall ensure that the BOCES provides training programs for BOCES employees to discourage the development of harassment, bullying and discrimination, and to make such employees aware of the effects of harassment, bullying, cyber-bullying and discrimination on students. Such programs will be designed to:

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1. Raise the awareness and sensitivity of employees to potential harassment, bullying and discrimination; and
2. Enable employees to prevent and respond to harassment, bullying and discrimination.

The District Superintendent shall ensure that instructional staff receive professional development on nondiscriminatory instructional and counseling methods.

The training required by this policy shall address the social patterns of harassment, bullying and discrimination, including but not limited to those 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. Such training shall include the identification and mitigation of harassment, bullying and discrimination, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.

To support such training and possible remediation strategies, principals shall make a regular report on data and trends related to harassment, bullying and discrimination to the District Superintendent.

Dignity Act Coordinators

The BOCES Board of Education shall annually appoint a BOCES-wide Dignity Act Coordinator and a Dignity Act Coordinator specific to each BOCES instructional program.

The name and contact information for the Dignity Act Coordinators shall be shared with all BOCES employees, students, and persons in parental relation. Such contact information shall be listed in or on the:

1. Code of Conduct;
2. BOCES web site;
3. Any plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
4. Information provided to parents and persons in parental relation at least once per school year in a mailing or other method of distribution including, but not limited to, sending such information home with each student and, if such contact information changes, in at least one subsequent mailing or other such method of distribution as soon as practicable thereafter;
5. Posters created for such purpose in highly-visible areas of school buildings; and
6. BOCES program office.

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

Policy Dissemination

The BOCES will, at least once during each school year, to provide all BOCES employees, students and parents/guardians with a written or electronic copy of this policy, or a plain-language summary of the policy, including notification of the process by which students, parents/guardians and BOCES employees may report harassment, bullying and discrimination. The current version of this policy will be maintained on the BOCES website.

Cross Reference: Anti-discrimination Policy; Sexual Harassment Policy; Code of Conduct; Internet Safety Policy; Acceptable Use Policy; NYS Educ. Law §§ 10-13; 8 NYCRR §100.2(jj)