

RED HOOK CENTRAL SCHOOL DISTRICT

DIGNITY FOR ALL STUDENTS ACT

Policy # 5301

Section 1: Purpose

For many years, the Red Hook Central School District has taken a proactive stance for character education in our schools, committed to the idea that all people deserve a safe, healthy environment in which to learn and grow. It is with this sentiment that we enthusiastically embrace the Dignity for All Students Act (DASA). Our District vision has, over the years, led to many programs and initiatives aimed at harnessing the energy of collaboration between students and staff to establish a welcoming environment for every pupil. In Red Hook we seek not only to provide strong academic instruction, but also to educate the ‘whole child’; to do everything in our power to protect their social, emotional, and psychological development.

To continue on our trajectory, while aligning our policy to New York State Education Department standards for DASA implementation, the Red Hook Central School District will establish schools that are free from harassment. For the purposes of this policy, the following definitions shall apply:

- A. “Cyberbullying” means harassment or bullying as defined in subdivision K of this section where such harassment or bullying occurs through any form of electronic communication.
- B. “Disability” means (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 an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (Education Law. §11(4) and Executive Law §292(21)).
- C. “Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (Education Law §§ 11(4) and 1125(3)).
- D. "Parent" means parent, guardian or person in parental relation to a student.

- E. "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 Education Law §11(1).
- F. "School Bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (Education Law §11(1) and Vehicle and Traffic Law §142).
- G. "School function" means any school-sponsored extra-curricular event or activity on or off school property as defined in Education Law §11(2).
- H. "Sexual Orientation" shall mean actual or perceived heterosexuality, homosexuality or bisexuality".
- I. "Gender" shall mean actual or perceived sex and shall include a person's gender identity or expression.
- J. "Harassment" or "bullying" shall mean: the creation of a hostile school environment by conduct or by threats, intimidation or abuse, including cyberbullying as defined in Education Law §11(8), that either has or would have the effect of unreasonably and substantially interfering with student's educational performance, opportunities or benefits, and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or 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. Such conduct includes acts of harassment and/or bullying that occur (1) on school property; and/or (2) at a school function; and/or (3) off school property where such acts of harassment and bullying 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. Acts of harassment and bullying shall include, but are not limited to: verbal and non-verbal threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religious practice, disability, sexual orientation, gender or sex.
- K. "Hostile Environment" in the context of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
- L. "Emotional Harm" in the context of harassment and bullying refers to harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

- M. “Material Incident of Harassment, Bullying and/or Discrimination” means a single verified incident or a series of related verified incidents where a student is subject to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. Such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, meets the definition of subpart K of this section, and is the subject of a written or oral complaint to the superintendent, principal or their designee, or other school employee.

The Red Hook Central School District will implement district and building-level policies to protect students against discrimination on the basis of their *actual or perceived* race, color, weight, national origin, ethnic group, religion, religious practice, sex, gender, sexual orientation or disability, by employees or students on school property or at a school sponsored event, function or activity.

Section 2: Dignity Act Coordinator

1. One employee from each school building who has the appropriate licensure and/or certification by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of schools shall be appointed, upon approval of the Board of Education, as the Dignity Act Coordinator. This individual will be trained to handle human relations in the areas of harassment based on race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. The Dignity Act Coordinator will aid in the coordination of the building administration and DASA team in investigations of complaints of harassment. In the event that a Dignity Act Coordinator vacates their position another eligible employee shall be immediately designated for an interim appointment as the DAC, pending approval of a successor coordinator by the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties of the position for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as Coordinator, pending the return of the previous DAC to their duties.
 - a. In addition, the Board of Education shall:
 1. Ensure (the Superintendent of Schools) that each Dignity Act Coordinator appointed shall be provided with training which addresses 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 and sex.
 2. Ensure (the Superintendent of Schools) that each Dignity Act Coordinator will be provided with training in the identification and mitigation of harassment, bullying and discrimination.

3. Ensure (the Superintendent of Schools) that each Dignity Act Coordinator shall be provided with training strategies for effectively addressing problems of exclusion, bias and aggression in educational settings.
4. Ensure (the Superintendent of Schools) that each Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act.
5. Designate the school employee(s) charged with receiving reports of harassment, bullying and discrimination.
6. Submit an annual report of material incidents of harassment, bullying and/or discrimination that occurred in such school year to the Commissioner in accordance with Education Law Section 15.

Section 3: Reports and Investigations of Discrimination and Harassment

Any student observing a student being harassed, bullied and/or discriminated against by another student or a staff member shall report this information either orally or in writing immediately to a teacher, the Principal, the Principal's designee, the Superintendent of Schools or the Dignity Act Coordinator.

Staff who receive oral or written reports of harassment, bullying and/or discrimination or witness such acts shall report the incident orally within one (1) school day to the Principal, the Principal's designee, the Superintendent or the Dignity Act Coordinator. Following the oral report, a written report of acts of harassment, discrimination and/or bullying shall be filed within two (2) school days following receipt. The District's Building Principal, Superintendent or their designee shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly after receipt of any written report made. District personnel will be trained to understand that they are 'mandatory reporters' should they witness harassment or discrimination.

The principal, the principal's designee or the Dignity Act Coordinator (DAC) will investigate the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:

- A “permanent” hall pass that allows the student to visit a designated adult at any time;
- Access to private bathroom facilities;
- Access to private locker room facilities;
- An escort during passing periods;
- A “stay away” agreement;
- If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
- An opportunity for independent study at home with District-provided tutor until the case is resolved;
- Permission to use personal cell phone in the event that the student feels threatened and needs immediate assistance;
- Assignment of a bus monitor.
- Counseling support
- Mediation

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, and 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.

The investigator shall report back to both the target and the accused, within no more than 10 school days notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The target will be advised to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her. Retaliation against a student or staff member who, in good faith, makes a report or participates in the investigation of a complaint of harassment, bullying and/or discrimination is strictly prohibited.

If the administrator or district designee believes that a reported incident may constitute criminal action, the District shall notify the proper law enforcement agency promptly and shall notify the Superintendent that such a report was made. To the extent appropriate, the complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- i) discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- ii) suggesting counseling, skill building activities and/or sensitivity training;
- iii) conducting additional training or education for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- iv) requesting a letter of apology to the target;
- v) writing letters of caution or reprimand; and/or
- vi) separating the parties;
- vii) establishing a “stay away” agreement

When an investigation verifies a material incident of harassment, bullying and/or discrimination, the Superintendent, Principal or their designee shall take prompt action, consistent with the District’s code of conduct, including but not limited to the provisions of Section 100.2(l)(2)(ii)(h), 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 such behavior was directed.

A progressive model of student discipline shall be imposed which includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline and shall consider, among other things, the nature and severity of the offending student’s behavior, the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances as well as the impact the student’s behaviors had on the individual(s) who was physically injured or emotionally harmed as a result of such acts. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment.

The District prohibits retaliatory action against a complainant, victim or witness who, in good faith, reports or investigates claims of discrimination or harassment on school property or at a school function.

The District will conduct annual reporting of incidents of harassment to the State Education Department through the Uniform Violent and Disruptive Incident Reporting System (VADIR).

Section 4: Training and Instruction

In order to create positive school environments that are supportive and free of harassment and discrimination, the district will ensure that all personnel receive training/education to increase bias-awareness and staff sensitivity towards discrimination and harassment of students during school functions and on school property. Personnel will be trained to recognize and intervene in situations where a student is the victim of harassment or discrimination.

Additionally, all school buildings in the Red Hook District will provide education to students to be proactive *up-standers* versus inactive *bystanders*. Teaching staff will infuse character education, civility, citizenship and bias-awareness elements into their curriculum. Department-based or school-wide initiatives, programs or activities that promote age-appropriate character education will be encouraged to foster a nurturing school environment.

Each school in the district will have a Code of Conduct with rules against harassment and discrimination that shall be made widely available to parents and the faculty.

Education Law Sections §801 and §801 –a
8 New York Code of Rules and Regulations (NYCRR) Section §100.(2)
Education Law Sections §10-§18 and 801-a

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