

**DIGNITY FOR ALL STUDENTS ACT**

It is the policy of the Board of Education of the Rensselaer City School District (the “Board”) to extend to all of our students a welcoming school environment regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender by promoting throughout our School District principles of respect, dignity, and equality. The Board recognizes that a safe and supportive environment is central to its mission to offer and promote for all students opportunities for learning and educational achievement.

To this end, the Board prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, at any school function, this includes school-sponsored, extra-curricular events or activities and the use of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, whether used on or off school grounds when used to harass or threaten any student enrolled in our district schools.

**I. DEFINITIONS****Harassment and Bullying**

The creation of a hostile environment by conduct or by threats, intimidation, or abuse, whether verbal or nonverbal, including cyberbullying, based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender that:

- (a) 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 wellbeing; or
- (b) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- (c) Reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
- (d) Occurs off school property and creates or would foreseeable create a risk of substantial disruption with the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Hostile Environment**

As used to in the definition 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.

### **Emotional Harm**

As used in the definition of harassment and bullying shall mean harm to a student's emotional well-being through the creation of a hostile school environment that is so severe and pervasive as to unreasonably and substantially interferes with a student's education.

### **Hazing**

Intentional or reckless conduct used during the course of another person's initiation into or affiliation with any organization that creates a substantial risk of physical injury to such other person or a third person whether or not it results in physical injury.

### **Discrimination**

Discrimination involves the denial of any right or benefit available to others, including the denial of access to any facility, program, activity for which the person is otherwise qualified, or event due to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.

**A Material Incident of Harassment, Bullying and/ or Discrimination** means a single verified incident or serious or related verified incidents where a student is subject to harassment, bullying and discrimination as defined above.

## **II. PREVENTION**

Our public schools provide opportunities each and every day to teach our children the importance of cooperation and respect. In order to prevent the occurrence of bullying, harassment or discrimination in our schools, the District shall:

- Integrate preventive programs into classroom instruction;
- Provide annual professional development and instruction to all staff and volunteers regarding:
  - Early warning signs;
  - Responsibilities in the prevention of such acts;
- Gather information about discrimination, harassment, bullying, taunting or intimidation on school property or at school functions directly from students (through surveys and other mechanisms);
- Analyze and use the data gathered to assist in decision-making about programming and resource allocation;
- Establish clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation through the code of conduct;
- Train adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation;

- Raise awareness among school staff, through training, of the school experiences of student populations specified in the Dignity for All Students Act, including but not limited to; students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to discrimination, harassment, bullying, taunting or intimidation and/or other forms of anti-social and/or violent behavior;
- Provide supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias, school buses and playgrounds;
- Raise parental awareness and involvement in discrimination, harassment, bullying, taunting or intimidation prevention and intervention;
- Provide examples of positive age appropriate behaviors;
- Institute policies and practices to maintain a positive school climate;
- Use educational opportunities and/or curricula, including, if applicable, a student's Individual Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

### **III. Appointment of the Dignity Act Coordinator: (DAC)**

The Board appoints the Director of Pupil Personnel Services to serve as the Dignity Act Coordinator for the Van Rensselaer Elementary School and the Rensselaer Junior/Senior High School.

The name and contact information for the DASA shall be shared with school personnel, parents and students by:

- Posting on the District's website and in highly visible areas in school buildings and administrative offices;
- Including it in the plain language summary of the District's Code of Conduct which shall be mailed to each parent or person in parental relationship to the student prior to the start of the school year and provided to the student;
- Providing it to parents at least once a year, and again if the DASA Coordinator is replaced, by mail or other means of distribution.

#### **IV. Appointment and Duties of The Chief DASA Investigator**

The Board appoints the Director of Pupil Personnel Services to receive reports of harassment, bullying and discrimination.

The Chief DASA Investigator shall oversee the investigation and implementation of appropriate interventions in response to harassment, bullying and discrimination as defined herein.

#### **V. Annual Staff Training**

The Board recognizes the importance of professional development in the full implementation of this Policy and directs the Superintendent and designated individuals to incorporate training on this policy into all new teacher orientations and in its annual professional development plan. Such training shall involve all staff and volunteers including, but not limited to, bus drivers, cafeteria staff and hall monitors, and all other staff or contract consultants who have contact with our students.

Such training shall be designed to promote a positive school environment free from discrimination, harassment, bullying and cyber-bullying and to discourage and respond to any incidents involving harassment or discrimination on school grounds or at a school function, and cyber-bullying whether it occurs on or off school grounds. Such training shall be designed to:

- 1) Raise the awareness and sensitivity to potential acts of harassment bullying and discrimination as defined herein by addressing:
  - Its social patterns;
  - The identification and mitigation of such acts;
  - Strategies to address problems of exclusion, bias and aggression in the educational setting;
  - The effects of harassment, bullying, cyber-bullying and or discrimination;
  - The need to ensure effective implementation of school policy on conduct and discipline including;
    - Guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and or discrimination; and
  - The need to include concepts of safe and supportive school concepts in curriculum and classroom management.
- 2) Provide clear direction to enable them to take the appropriate and necessary steps to prevent and respond to allegations of harassment, bullying and discrimination.

## **VI. The Instructional Program**

The Board of Education recognizes the importance of Education to maintaining a climate safe, supportive and welcoming environment for all students, regardless of a student's race, color, weight, national origin, ethnic group, religion, religion practice, disability, sexual orientation, gender or sex.

To ensure that students receive appropriate instruction on this important topic, the Board directs that its Civility, Citizenship and Character Education Program provided to all students in kindergarten through grade 12, incorporate into its Tolerance, Dignity and Respect component, instruction specifically designed to heighten sensitivity and awareness on the effects of bullying, discrimination and/ or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex and to facilitate appropriate responses to such bullying, harassment or discrimination in the event they are a witness or a target. Such instruction shall also address the safe and responsible use of the Internet and electronic communications.

## **VII. Reporting of Alleged Harassment and Discrimination**

### **School Personnel and Volunteers**

It shall be the duty of all school personnel to report any incident of student-to-student bullying, harassment, discrimination, witnessed or reported to them to the [Chief DASA Investigator, named above] within one school day and to file a written report no later than two school days after making such report.

### **Students and Parents**

Students who have been subjected to discrimination or harassment, parents whose children have been subjected to such behavior, or other students or staff who observe such behavior, are encouraged to report to the appropriate and/or designated school personnel any conduct perpetrated against a student enrolled in the District who they have reason to believe was a target of bullying, harassment, discrimination or hazing.

### **Investigation**

It shall be the duty of the Chief DASA Investigator to oversee the investigation of all complaints received involving harassment, bullying and discrimination.

Upon receipt of alleged harassment, bullying or discrimination, the Chief DASA Investigator shall ensure that appropriate action is taken to address any immediate safety concerns raised in the report.

If the allegations involve criminal conduct, the chief DASA Investigations shall notify the appropriate local law enforcement agency promptly and shall coordinate with law enforcement those investigations where law enforcement determines to take the lead.

Such investigation shall begin upon receipt of any oral report received and shall be completed within 14 school days after the receipt of the written report, except that where due to the nature of the complaint, additional time is needed to complete the investigation, the Chief DASA Investigator may grant a reasonable extension of these timelines where necessary.

## **VIII. Interventions**

In response to a Complaint, the Chief Investigating Officer shall take all reasonable steps to:

- Correct the problem behavior;
- Prevent reoccurrence of the problem behavior;
- Protect the targeted student;
- Refer the matter to the School Principal and/ or Superintendent where applicable pursuant to the District's Code of Conduct;
- Schedule follow-up discussions and/or meetings, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

## **IX. Confidentiality of Reporting**

Except in those rare instances where the investigation of a complaint involving harassment or discrimination would be compromised, or where disclosure is required by law, the source of all reports shall remain confidential. Every effort shall be made to keep the name of the reporter confidential and if the Investigatory team determines that the information must be released, the Team will first notify the complainant and take all reasonable steps to honor the complainants' wishes.

## **X. Retaliation**

Retaliation against a reporter or anyone assisting in investigations of Complaints involving harassment or bullying is prohibited. Any reports of retaliation or threatened retaliation shall result in immediate disciplinary action in accordance with the District's Code of Conduct.

## **XI. Reporting**

The results of any such investigation shall be reported to both the targeted student, the student's parents or guardians and the alleged offender, as well as their respective parents or guardians. If either party and/or their respective parents or guardians disagrees with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

All DASA Complaints shall be documented, tracked and handled in accordance with the Regulations of the Commissioner, applicable district policies [#0110 – Sexual Harassment, #0110-R – Sexual Harassment Regulations, #0115 – Harassment, Hazing and Bullying, #0115-E – Harassment, Hazing and Bullying Exhibit, and #0115-R – Harassment, Hazing and Bullying Regulations], disciplinary rules and procedures, and/or code of conduct.

The Principal of each school shall make and submit an annual report to the Superintendent on data and trends related to harassment, bullying and discrimination, which shall be reported by the Superintendent to the Board of Education.

## **XII. Appeals**

If the Parents or Guardians of a Student or a Student over the age of 18 is not satisfied with the outcome of a Complaint, they may appeal the determination to the Board of Education. Appeals shall be made in writing within 14 days of receipt of a Decision and Determination on a Complaint, shall identify those aspects of the findings with which they disagree and shall be directed to the Secretary of the Board of Education.

## **XIII. Publication**

A copy of this policy shall be provided to all school employees, volunteers, students and parents (electronically or in writing) which shall include notification of the process by which the students and parents may report allegations of harassment, bullying and discrimination and the process by which school employees shall report such incidents. This policy shall also appear on the District's website.

RCSD Policy #0110, Sexual Harassment  
RCSD Code of Conduct

Ref:

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

Education Law 801-a

Educatoin Laqw Article 2 §§ 10-18;

8 NYCRR 100.2(c)(l) 119.6; 100.2 (jj &(kk)

*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)

*Oncala 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)

Adopted by the Board of Education: August 21, 2013