

HARASSMENT, BULLYING & DISCRIMINATION

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that harassment, bullying and discrimination are detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts the operation of the schools. Such behavior affects not only the students or employees who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of harassment, bullying and discrimination on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Harassment is the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety. The harassing behavior may be based upon an individual's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, gender (identity or expression) and genetics.

Bullying includes systematic and intentional infliction of physical harm or psychological distress on an individual or group of individuals. Bullying can also encompass unwanted purposeful written, verbal, nonverbal, social or relational, or physical behavior (e.g. threatening, insulting or dehumanizing gestures by an adult or student) that has the potential to create long term damage, cause discomfort, or humiliation or unreasonably interfere with the individual's school performance. Bullying is often characterized by an imbalance of power. Unwanted teasing, touching, threatening, intimidating, stalking, cyber-stalking, cyber-bullying, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of school or personal property, social exclusion including incitement and/or coercion, and rumor or spreading of falsehoods are also forms of bullying.

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Harassment and bullying shall also refer to posting false and malicious comments, photographs and records on social networking and other internet sites as well as any other electronic device.

If the harassment or discrimination is of a sexual nature, policy/regulation 0110-R provides additional information and clarification on the district's responsibilities in this area.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of harassment, bullying or discrimination report such behavior immediately to the Dean, Dignity Act Coordinator, Assistant Principal or the Principal. The district will promptly investigate all reported incidents, either formal or informal, verbal or written. The building level Dignity for All Students Act (DASA) Coordinator will investigate each report. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint have the right to be free from retaliation of any kind.

The Superintendent of Schools and the District Dignity Act Coordinator shall maintain and implement regulations for reporting, investigating and remedying allegations of harassment, bullying and discrimination. These regulations are to be attached to this policy. In addition, training programs shall be established to raise employees' awareness and sensitivity of the issues surrounding harassment, bullying and discrimination and to implement preventative measures to help reduce incidents of harassment, bullying and discrimination.

The district shall ensure that the course of instruction in grades seven through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For purposes of this Policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to discrimination or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders, and sexes.

In accordance with state law, the Superintendent shall ensure that at least one staff member at every school will be trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, sex and genetics. There will be a Dignity Act Team that may include but is not limited to: the building Deans, the building Dignity Act Coordinator, PPS team member and Assistant Principal.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks and other appropriate school publications.

- District calendar
- District website
- Mailing
- Student handbooks

Each year, a committee of administrators, teachers, parents, and students shall be convened to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

Cross-ref: 0110, Sexual Harassment
5300, Code of Conduct
0100 Equal Opportunity

Ref: Education Law, Article 2 (Dignity for All Students)
Education Law § 801-a

Committee

1. Postings
2. Printed materials

HARASSMENT, BULLYING & DISCRIMINATION REGULATION

This regulation sets forth detailed guidelines for reporting, investigating and remedying allegations of harassment, bullying and discrimination.

Definitions

“Harassment” means the creation of a hostile environment by conduct or verbal threats, intimidation or abuse, including but not limited to, acts shown to be motivated by actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) sex, or genetics when the conduct or communication:

- Unreasonably and substantially interferes with a student's educational performance, opportunities or benefits, or participation in school-sponsored activities; or
- Unreasonably and substantially interferes with a student's mental, emotional or physical well-being.

“Bullying” is a form of harassment that consists of systematic and intentional behavior including but not limited to, verbal, non-verbal, social, relational or physical threats or intimidation of others, hazing, treating others cruelly, terrorizing, coercing, or habitual put-downs and/or badgering others. Bullying has the potential to create long term damage, cause discomfort or humiliation, or unreasonably interfere with the individual’s school performance. Bullying is often characterized by an imbalance of power. Unwanted teasing, touching, threatening, intimidating, stalking, cyber-stalking, cyber-bullying, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of school or personal property, social exclusion, including incitement and/or coercion, and rumor or spreading of falsehoods are also forms of bullying.

“Cyberbullying” shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Unacceptable Conduct

School-related conduct that the district considers unacceptable and which may constitute harassment, bullying or discrimination includes, but is not limited to, the following:

1. taking pictures or recording a student or employee without their permission
2. posting false and malicious pictures, comments or recordings on social networking and other internet sites
3. making verbal taunts or written statements, including anonymous statements, or threats that put a student in reasonable fear of physical, emotional or psychological harm or intimidation

Reporting Complaints

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and person with knowledge of harassment, bullying or discrimination report such behavior immediately to a school staff member, preferably a building administrator (i.e. the dean, Assistant Principal, or the Principal of the affected school building). In the event any victim and person with knowledge of harassment, bullying or discrimination reports such conduct to a non-administrative school staff member, the staff member must report immediately such behavior to a building administrator. The district will promptly investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation. For the purposes of this policy school days will be defined as days' classes are in session.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of harassment, bullying and/or discrimination. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality and retaliation standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment, bullying or discrimination and preventing the harassment, bullying or discrimination of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of harassment, bullying or discrimination is received whether verbal, written or electronic, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Dignity for All Students Act Building Coordinator, the Dean, Assistant Principal or Principal should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, bullying or discrimination and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three school days following receipt of a complaint, the Dignity for All Students Act Building Coordinator and the Dignity Act Building Team should begin an investigation of the complaint by:

- Reviewing any written or electronic documentation or material provided by the victim(s).
- Conducting separate interviews of the victim(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 and that the individual may be subject to discipline.

Employees, parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

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

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. mediation;
- e. requesting a letter of apology to the victim;
- f. writing letters of caution or reprimand; and/or
- g. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law.

The Dignity for All Students Act Building Coordinator and the Dignity Act Building Team shall report back to both the victim and the accused, notifying them in writing, and/or in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme harassment, bullying or discrimination, the complaint shall be referred promptly to the District Dignity Act Coordinator and/or the Superintendent. In addition, where the Dignity for All Students Act Building Team has a reasonable suspicion that the alleged harassment, bullying or discrimination incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the investigation by the Dignity Act Building Team or the Building Dignity Act Coordinator, the person must file an appeal to the Superintendent within 15 school days of receipt of the outcome of the building level investigation.

B. District-level Procedure

The Superintendent or his/her designee, or District Dignity Act Coordinator shall promptly investigate and resolve all harassment, bullying and discrimination complaints that are referred to him/her directly, as well as those appealed from after an initial investigation by the Dignity Act Building Coordinator and/or the Dignity Act Building Team. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to the District Dignity Act Coordinator, or another appropriate individual for investigation in the event the Dignity Act Coordinator is also named in the complaint.

The district level investigation shall begin no later than three school days following receipt of the complaint by the Superintendent or Board President.

If the Superintendent or his/her designee's investigation results in a determination that harassment, bullying or discrimination did occur, prompt corrective action will be taken to end the misbehavior. Where appropriate, district investigators may suggest disciplinary action or mediation as a means of exploring options of corrective action and informally resolving the complaint.

The District will notify the victim and accused, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the appeal and/or complaint.

Where incidents involve violations of civil rights, the victim and the alleged perpetrator have the right to be represented by a person of their choice, at their own expense, during investigations and hearings. In addition, victims have the right to register complaints with the U.S. Department of Education's Office for Civil Rights.

Retaliation Prohibited

Any act of retaliation against any person who opposes any form of harassing, bullying or discriminating behavior, or who has filed a complaint, is prohibited and illegal, and,

therefore, subject to disciplinary action. Likewise, retaliation against any person who has reported, initiated, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment, bullying or discrimination complaint is prohibited.

For purposes of this policy, retaliation includes, but is not limited to: verbal or physical threats, written notes or statements, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, harassing electronic communication and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited harassment, bullying or discrimination will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Training

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school and on the district's website.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees who have specific responsibilities for investigating and resolving complaints of harassment, bullying and discrimination shall receive yearly training on this policy, regulation and related legal developments. The district will also provide training to staff, in accordance with state law and the Regulations of the Commissioner of Education, to raise awareness and sensitivity to acts of bullying, harassment or discrimination, to enable staff to prevent bullying, harassment and discrimination and to provide intervention and reporting.

Principals in each school shall be responsible for informing students and employees on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of harassment, bullying or discrimination on the victim and the bystander.

Bellmore-Merrick CHSD Referral Form**Type of Referral:**

Bullying ____ Sexual Harassment ____ Harassment ____ Cyberbullying ____

Check all that apply

Date: _____ School: _____

Person Reporting: _____ Title: _____

Name(s) of victim(s): Name(s) of student(s) bullying: Name(s) of Witnesses/Bystanders:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Type of Inappropriate Behavior (circle all that apply):

Called Mean Names	Excluded	Hit, Kicked, Punched	Told Lies or False Rumors
Threatened	Racial Comments	Sexual Comments	Took/Damaged Possessions
Physical Touching	Sexual Jokes	Electronic Communication (i.e Facebook, text)	

Other (explain): _____

Comments/Actions were based on actual or perceived (please check all that apply):

Race ____ Color ____ Weight ____ National Origin ____ Ethnic Group ____ Religion ____

Religious Practice ____ Disability ____ Sexual Orientation ____ Gender Identity ____

Sex ____ Genetics ____ Other (specify): _____

Where did the events occur? (circle all that apply):

Field/Court Hallway In class with Teacher Locker Room In class without Teacher

Bathroom Line-up area Lunchroom To/From School Electronic (i.e. Facebook, Texting)

Bus Stop Bus School Event (____ on school grounds ____ off school grounds)

