

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Final Review and Adoption of Revised District Policy/Regulation
#7550: Dignity for all Students Act (Required Policy)

DATE: May 7, 2018

REASON FOR BOARD CONSIDERATION:

The Board of Education must review and approve all policies and regulations of the Ogdensburg City School District.

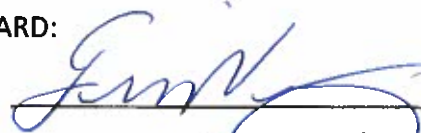
FACTS AND ANALYSIS:

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory 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 by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

RECOMMENDED ACTION:

Moved by _____ and supported by _____
that, having the approval of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby adopt the Revised Board of Education Policy/Regulation #7550: Dignity for all Students Act (Required Policy), this 7th day of May 2018.

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

TMV/alf
Attachment

SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory 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 by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that 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; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter; and
- d) Posting it in highly visible areas of school buildings; and
- e) Making it available at the District and school-level administrative offices.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**Reports and Investigations of Harassment, Bullying, and/or Discrimination**

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event any investigation verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)**Publication of District Policy**

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214
8 NYCRR § 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board
#3410 -- Code of Conduct
#3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6411 -- Use of Email in the District
#7551 -- Sexual Harassment of Students
#7552 -- Student Gender Identity
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal
Violence Prevention Education

Adopted by the Ogdensburg City School District on May 7, 2018

REGULATION

2018
7550R

Students

SUBJECT: DIGNITY FOR ALL STUDENTS

The District has established procedures to help create an environment free from harassment, bullying, and discrimination; to foster civility; and to prevent conduct that is inconsistent with its educational mission.

Definitions

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

- 1) "Sexual orientation" means actual or perceived heterosexuality, homosexuality, or bisexuality;
- 2) "Gender" means actual or perceived sex and includes a person's gender identity or expression;
- 3) "Discrimination" means the practice of conferring to or denying privileges against any student by one or more students or employees based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex while on school property or at a school function;
- 4) "Harassment" and "bullying" mean the creation of a hostile environment by conduct, or by verbal or non-verbal threats, intimidation, or abuse, including cyberbullying, 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 well-being; or
 - b. Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; 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 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 include, but are 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.

- 5) "Cyberbullying" means harassment or bullying that occurs through any form of electronic communication.

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Students

SUBJECT: DIGNITY FOR ALL STUDENTS (Cont'd.)

- 6) "Material incident of harassment, bullying, or discrimination" means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, or discrimination by a student or employee on school property or at a school function. In addition, this term include a verified incident or series of related incidents of harassment, bullying, or discrimination that occur off school property, where the incident or incidents: 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; and that is, or are the subject of a written or oral complaint to the Superintendent, principal, Dignity Act Coordinator (DAC) 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.

Internal Reports and Investigations of Harassment, Bullying, or Discrimination

Students who have been subjected to harassment, bullying, or discrimination, parents or persons in parental relation whose children have been subjected to this behavior, or other students who observe or are told of this behavior, are encouraged and expected to make verbal or written reports to the principal, Superintendent, DAC, or other District personnel. All District staff who become aware of an incident of harassment, bullying, or discrimination must orally report it within one school day to the Superintendent, principal, DAC, or designee, and report it in writing within two school days thereafter.

The Superintendent, principal, DAC, or their designee will timely document and investigate all reports of harassment, bullying, or discrimination. The Dignity Act Coordinator or other investigator may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, or discrimination.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

Reporting Incidents

At least once during each school year, the principal of each primary and secondary school will provide a report with information related to harassment, bullying, and discrimination incidents to the Superintendent. This report will be submitted in a manner prescribed by the District, and will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

(Continued)

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Students

SUBJECT:

DIGNITY FOR ALL STUDENTS (Cont'd.)

Each year, the District will complete and submit its SSEC Summary Data Collection form to SED in the manner and within the timeframe specified by the Commissioner. The SSEC form encompasses data related to material incidents of harassment, bullying, and discrimination under the Dignity for All Students Act as well as information regarding violent and disruptive reporting (VADIR).

Material incidents of harassment, bullying, or discrimination include incidents that:

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

The annual report will also 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 practices, disability, sexual orientation, gender, sex, or other). The District will report all types of bias involved, including those described in multiple categories;
- 2) Whether the incident resulted from student or employee conduct;
- 3) Whether the incident involved physical contact or verbal threats, intimidation or abuse; and
- 4) The location where the incident occurred (on school property at a school function, or off school property).

NOTE: Refer also to Regulations #3420R -- Non-Discrimination and Anti-Harassment in the School District
#3420F -- Complaint Form
#5670R -- Records Management
#7550R.1 -- Strategies to Prevent Harassment, Bullying, and Discrimination
District Code of Conduct

**OGDENSBURG CITY SCHOOL DISTRICT
DIGNITY ACT COMPLAINT FORM-2018**

Name of targeted student: _____, [☐] Male [☐] Female,
who is in grade: _____ at _____ (school/location)

Date _____ and time _____ of incident(s)

Place of incident(s): [☐] On school property (including school bus)
[☐] At a school sponsored function off school grounds
[☐] Off school grounds

This report results from a(n):

- [☐] Employee, who *directly observed* an incident or series of incidents
Employee's name _____ and title _____
[☐] Employee, who *was made aware* of an incident or series of incidents
Employee's name _____ and title _____
[☐] Parent or community member
Complainant's name _____, relationship to targeted student _____
Telephone and other contact information: _____
[☐] Other, name _____ relationship to targeted student/district _____
Telephone and other contact information: _____

Basis of this complaint/grievance:

_____ Race	_____ Religion	_____ Gender (including identity or expression)
_____ Ethnic Group	_____ Religious Practice	_____ Sex
_____ National Origin	_____ Disability	_____ Sexual orientation
_____ Color	_____ Weight	
_____ Other/Not sure (Explain): _____		

Name of alleged offender(s): _____, in grade: _____ [☐] Male [☐] Female
_____, in grade: _____ [☐] Male [☐] Female

Incident is a result of: [☐] Student and/or
[☐] Employee conduct

Description of alleged harassment/bullying/discrimination incident(s): _____

The incident(s) involved: [☐] Intimidation or abuse, but no verbal threat(s) or physical contact
[☐] Verbal threat(s) but no physical contact
[☐] Physical contact but no verbal threat(s)
[☐] Verbal threat(s) and physical contact

Witnesses, or others with knowledge or information important to this investigation, including contact information for each: _____

Signature of Employee or Complainant _____

Date _____