

COPIAGUE PUBLIC SCHOOLS  
Copiague, New York

TO: Board of Education  
FROM: Charles A. Leunig, Superintendent of Schools  
RE: AGENDA – Retirees and Tenured Staff Reception will be held on Monday, June 4, 2012, at 7:00 p.m. in the West Cafeteria of the Middle School.  
Regular Meeting of the Board of Education is scheduled for Monday, June 4, 2012, at 7:30 p.m. in the West Cafeteria of the Middle School.

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**OPENING EXERCISES**

Flag Salute and Silent Meditation

**Fire exits are located (specify exit facilities). In the event of a fire, an alarm will sound. If notified, please move in a calm and orderly fashion to the nearest exit.**

**ATTENDANCE**

Roll Call by District Clerk

**FOR ACTION**

- 1. Approval of Minutes – Regular Board of Education Meeting of May 21, 2012
- 2. Resignation – Cafeteria Aide
- 3. Requests for Leaves of Absence – Food Service Worker, Cafeteria Aide
- 4. As recommended by the Superintendent of Schools, Charles A. Leunig, the Copiague School Board approves the appointment of the following staff:
  - a. Resolution: Emergency Conditional Appointments
  - b. Reappointments: Excessed Professional Staff Members – Social Studies, Part-time Business Education
  - c. Appointments: Teaching: Probationary – Foreign Language, Art
  - d. Appointments: Teaching: Part-time – Music, Elementary Teacher, Speech and Hearing Handicapped, Library Media Specialist, Science, Technology Trainer, Home Economics, Physical Education, Mathematics
  - e. Appointments: Summer School Staff – 2012/13
  - f. Appointments: Summer Student Services Staff – 2012/13
  - g. Appointments: Suffolk's Edge Teacher Center Grant
  - h. Appointment: Non-Teaching: Secretary to the Director of Adult and Continuing Education – 2012/13
  - i. Appointment: Non-Teaching: Probationary – Full-time Food Service Worker
  - j. Appointments: Non-Teaching: Probationary – Part-time Custodians

- 5. Recommendations of the Committee on Preschool Special Education for the identification and placement of students with disabilities:

Case #57952	Case #57364	Case #56495	Case #56596	Case #57964
Case #57354	Case #57353	Case #57939	Case #57646	Case #57937
Case #57942				

Annual Review of Students

- 6. Approval of Policies:

6741	Contracting for Professional Services
6830	Board of Education Expense Reimbursement
6830-R	Board of Education Expense Reimbursement Regulation
6830-E	Board of Education Conference Reimbursement Form
6831	Meals and Refreshments
6831-R	Meals and Refreshments Regulation
6850-R	School District Credit Cards Regulation
6900	Disposal of District Property

### **FOR CONSIDERATION**

- 1. Disposition of Request for Proposal – Universal Pre-Kindergarten Program
- 2. Approval of Designated Board Members to Attend a Function
- 3. Approval of Budget Transfers
- 4. Approval of Declaration of Obsolete Textbooks
- 5. Approval of License Agreement for After School Child Care

### **REPORTS**

- 1. Superintendent's Report
- 2. Presentation – Response to Intervention (RTI) – Sheri Droz

- SECOND POLICY REVIEW** – Changes related to DASA

- |    |            |  |
|----|------------|--|
| 1. | 0100       | Equal Opportunity and Nondiscrimination                                |
| 2. | 0100-R     | Equal Opportunity and Nondiscrimination Regulation                     |
| 3. | 0115.1     | Student Harassment and Bullying Prevention Intervention Policy         |
| 4. | 0115.1-R   | Student Harassment and Bullying Prevention and Intervention Regulation |
| 5. | 0115.1-E.1 | Harassment and/or Bullying Complaint Form                              |
| 6. | 0115.1-E.2 | Harassment and/or Bullying Complaint Form - Elementary                 |
| 7. | 5020.1     | Sexual Harassment and Students   |
| 8. | 5020.1-R   | Sexual Harassment and Students Regulation                              |

- 9. 5300.5 Code of Conduct – Definitions
- 10. 5300.10 Code of Conduct – Student Rights and Responsibilities
- 11. 5300.15 Code of Conduct – Essential Partners
- 12. 5300.25 Code of Conduct – Prohibited Student Conduct
- 13. 5300.65 Code of Conduct – Public Conduct on School Property
- 14. 5300.70 Code of Conduct – Dissemination and Review
- 15. 9110.2 Sexual Harassment and Staff
- 16. 9110.2-R Sexual Harassment and Staff Regulation

FIRST POLICY REVIEW

- 1. 6000 Fiscal Management Goals
- 2. 6100-R Annual Budget Regulation
- 3. 6112 Determination of Budget Priorities
- 4. 6113 Dissemination of Budget Recommendations
- 5. 6120 Budget Hearing
- 6. 6130 Budget Adoption
- 7. 6135 Contingency Budget
- 8. 6135-E Ordinary Contingent Expenses
- 9. 6140 Budget Implementation
- 10. 6150 Budget Transfers
- 11. 6200 Revenue
- 12. 6210 Local Tax Levy
- 13. 6230 Federal Funds
- 14. 6235 Grants
- 15. 6241 Use of Surplus Funds

**CORRESPONDENCE**

**COMMUNICATIONS AND ANNOUNCEMENTS**

The next Regular Meeting of the Board of Education is scheduled for Monday, June 18, 2012, at 7:30 p.m. in the Board of Education Conference Room at the Middle School. It will be preceded at 6:30 p.m. by an Audit Committee Meeting and at 7:00 p.m. by Superintendent's Recognition – Superintendent's Art Gallery in the Middle School Auditorium.

Class Days and Graduation Ceremonies:

Great Neck Road School	June 18	10:00 a.m.
Deauville Gardens School	June 18	10:30 a.m. at High School
Susan E. Wiley School	June 19	10:00 a.m.
Middle School Graduation	June 21	7:00 p.m. at High School
High School Graduation	June 22	7:00 p.m.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**VOICE OF THE BOARD**

**VOICE OF THE PEOPLE**

We are now at that part of our agenda where we can open our meeting to hear the comments and/or concerns of our community members. When you are recognized, please stand and state your name and address. Neither the Board of Education nor the Superintendent of Schools will entertain public comments of a personal or personnel concern. Please address your comments or questions to the Board President. Would anyone like to speak?

**BOARD WILL CONSIDER GOING INTO EXECUTIVE SESSION  
FOR THE PURPOSE OF DISCUSSING LITIGATION MATTER(S), PERSONNEL MATTER(S),  
NEGOTIATIONS, LEGAL ADVICE**

**ADJOURNMENT**


CAL:mer

**POLICY DISCUSSION**  
**Second Review**

**JUNE 4, 2012**

**COPIAGUE PUBLIC SCHOOLS**  
**Copiapue, New York**

**TO: Board of Education**

**FROM: Charles A. Leunig**   
**Superintendent of Schools**

**RE: Policy Discussion – Second Review**

**Attached for your information and review is a copy of the following policy that we previously discussed:**

<b>0110</b>	<b>Equal Opportunity and Nondiscrimination</b>
<b>0100-R</b>	<b>Equal Opportunity and Nondiscrimination Regulation</b>
<b>0115.1</b>	<b>Student Harassment and Bullying Prevention Intervention Policy</b>
<b>0115.1-R</b>	<b>Student Harassment and Bullying Prevention and Intervention Regulation</b>
<b>0115.1-E.1</b>	<b>Harassment and/or Bullying Complaint Form</b>
<b>0115.1-E.2</b>	<b>Harassment and/or Bullying Complaint Form – Elementary</b>
<b>5020.1</b>	<b>Sexual Harassment and Students</b>
<b>5020.1-R</b>	<b>Sexual Harassment and Students Regulation</b>
<b>5300.5</b>	<b>Code of Conduct – Definitions</b>
<b>5300.10</b>	<b>Code of Conduct – Student Rights and Responsibilities</b>
<b>5300.15</b>	<b>Code of Conduct – Essential Partners</b>
<b>5300.25</b>	<b>Code of Conduct – Prohibited Student Conduct</b>
<b>5300.65</b>	<b>Code of Conduct – Public Conduct on School Property</b>
<b>5300.70</b>	<b>Code of Conduct – Dissemination and Review</b>
<b>9110.2</b>	<b>Sexual Harassment and Staff</b>
<b>9110.2-R</b>	<b>Sexual Harassment and Staff Regulation</b>

**CAL:mer**

**Attachment**

## **EQUAL OPPORTUNITY AND NONDISCRIMINATION**

The Board of Education, its officers and employees, shall not discriminate in its programs and activities against any student, employee or applicant on the basis of race, color, national origin, creed, religion, marital status, sex, age, disability, sexual orientation, or other legally protected status. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination ~~applies to~~ includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as the recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression)
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Executive Director of Student Services has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Executive Director of Student Services is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board of Education authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 5311.3, Student Complaints and Grievances  
 9010, Equal Employment Opportunity  
 9520, Staff Complaints and Grievances  
9110.2, Sexual Harassment and Staff  
0115.1, Bully Prevention and Intervention Policy  
5020, Equal Educational Opportunities  
5020.1, Sexual Harassment and Students  
0110, Sexual Harassment  
5300, Code of Conduct

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 et seq.  
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.  
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.  
New York State Human Rights Law, Executive Law §290 et seq.  
Education Law §§3201, 3201-a  
~~Education for All Handicapped Children Act of 1975~~  
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233  
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25  
Executive Order 11246, as amended by E.O.11375 Equal Pay Act, as amended by the Education Amendments of 1972  
Education Law §§10-18 (The Dignity for All Students Act)

Adoption date: June 6, 1994

Revision date: Oct. 15, 2007

Reviewed: Oct. 4, 2010

**EQUAL OPPORTUNITY AND NONDISCRIMINATION  
REGULATION**

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Definitions

1. Complainant shall mean an applicant, employee, (not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures), or student who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. Complaint shall mean any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. Compliance Officer shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the Americans with Disabilities Act (ADA). The district's compliance officer is: Executive Director of Student Services.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

A. Stage I--Compliance Officer

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/She shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigations.
2. Within 15 days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.



3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board of Education.

C. Stage III--Board of Education

1. When a request for review by the Board of Education has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board of Education.
2. The Board of Education shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.
3. The Board of Education shall render a decision in writing within 15 days after the hearing has been concluded.

Adoption date:

## **STUDENT HARASSMENT AND BULLYING PREVENTION INTERVENTION POLICY**

The Board of Education is committed to providing creating and maintaining a learning atmosphere that promotes respect, dignity and equality. which is respectful and supportive. Providing a safe school environment where all students and employees, without exception, are treated with respect and dignity, and are free from bullying, intimidation and harassment is one of our highest priorities. The Board of Education recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

Bullying is a violation of our district core values and will not be tolerated. The actions of any one person or group of individuals which threaten the health and safety of students and/or staff will be addressed promptly. Early intervention, reinforcement of a consistent message and follow through from students, parents/guardians, staff and administration can ensure that everyone's right to learn and work in a safe environment is respected. To this end, the Board of Education condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

All students, school district employees, vendors, and visitors (including parents/guardian) to district buildings, buses, athletic fields or locations off-school premises involving school-related activities (i.e., field trips) are expected to conduct themselves in a manner consistent with this policy.

### **Definition Definitions**

#### **Bullying**

Bullying is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

### **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).

### **Hazing**

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

### **Harassment**

Harassment has been defined in various ways in federal and state law and regulation. The Board of Education recognizes that these definitions are important standards, but the Board of Education's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as an intentional act against any student, by employees or students on school property or at a school function, that creates a hostile environment by conduct, with or without physical contact and/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 or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

## Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, colors, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexes, sexual orientations, or gender expression or identities will be included in the instructional program K-12.

In order to implement this program the Board of Education will designate at its annual organizational meeting a ~~Bully Prevention Coordinator (BPC)~~ Dignity Act Coordinator (DAC). The role of the ~~BPC~~ DAC is to coordinate and enforce this policy. In addition, the Superintendent will establish and maintain a district-wide Task Force on Bullying Prevention, as well as ~~Bullying Prevention~~ Dignity Act Coordinating Committees in each school that will be overseen by the BPC DAC. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific ~~procedures~~ prevention initiatives, including ~~an~~ early identification of bullying and other ~~preventive~~ strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

## **Intervention**

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target.

Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

## **Provisions for students who do not feel safe at school**

The Board of Education acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

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. 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.

## **Training**

The Board of Education recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the BPG DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to cafeteria and hall monitors and all staff who have contact with students. Training

opportunities will also be provided for bus drivers. The BPC DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

### **Reporting and Investigation**

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, the district's Code of Conduct. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with their supervisor. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable or any other system required by New York State.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe to their building principal or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying of which they are made aware by students to their building principals or other administrator who supervises their employment. Supervisors will refer the information to appropriate district staff for investigation as designated in regulation. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

The results of the investigation shall be reported back to both the target and the accused in accordance with the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy.

~~For the purposes of this policy, bullying is defined as a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is characterized by:~~

- ~~1. Power imbalance — occurs when a bully uses his/her physical or social power over a target.~~
- ~~2. Intent to harm — the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.~~
- ~~3. Threat of further aggression — the bully and the target believe the bullying will continue.~~
- ~~4. Terror — when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”~~

~~There are at least three kinds of bullying: verbal, physical and social/relational.~~

- ~~• Verbal bullying includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications, anonymous notes, etc.~~
- ~~• Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.~~
- ~~• Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping directly or through electronic communication, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.~~

#### Disciplinary Consequences

#### Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration, in accordance with the district's Code of Conduct or collective bargaining agreement(s), as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

#### Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

#### Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's

website. The district will ensure that the process of reporting bullying is clearly explained.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board of Education for its consideration.

The Board of Education will receive the annual VADIR report, for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Board of Education may consider further action, including but not limited to modification of this policy and additional training.

The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

### Reporting

~~Students or employees of the school district who have been bullied, parents/guardians whose children have been bullied, or other students who observe bullying behavior are encouraged to make a verbal and/or written complaint to a teacher, coach, school security guard, bus driver, social worker, counselor, supervisor, administrator or any available adult staff member. Intervention by adults and bystanders is an important step to prevent escalation and to resolve issues in the earliest stages. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy and the district's Code of Conduct.~~

### Distribution

~~A copy of this policy and accompanying regulations and procedures are to be distributed to parents/guardians, staff and students and posted on the district website. Additionally, parents/guardians, staff and students will be advised of this policy through periodic training opportunities, educational programs and written materials.~~

~~The process of helping youth can be greatly enhanced when adults are good listeners, supportive, and proactive in helping students deal with concerns and problems.~~

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
5020.1, Sexual Harassment and Students  
9110.2, Sexual Harassment and Staff  
4321, Programs for Students with Disabilities  
5300, Code of Conduct  
5710, Violent and Disruptive Incident Reporting  
9380, Support Staff Development



Ref: Dignity for All Students Act, Education Law, §10 – 18  
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  
Tinker v. DesMoines Independent Community School Dist., 393 US 503,  
(1969) 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)  
Oncale 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)  
8 NYCRR Sec. 185.12 (appendix 1) Records Retention and Disposition,  
Schedule ED-1 for Use by School Districts and BOCES  
Arts and Cultural Affairs Law, Article 57-A (Local Government Records)

Adoption date: Nov. 1, 2010

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board of Education condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events.

### Definitions

#### **Bullying**

In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually subsumed under the term “harassment”), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying ~~includes~~ such as name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- Physical bullying ~~includes~~ behavior such as poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying ~~includes~~ behavior such as excluding someone from a group, isolating, shunning, spreading rumors or gossiping, directly or through electronic communication, arranging public humiliation, undermining relationships, teasing about clothing, ~~looks,~~ giving dirty looks, aggressive stares, etc.

## **Discrimination**

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

## **Harassment**

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board of Education recognizes that these definitions are important standards, but the Board of Education's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as 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 or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
  - Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
  - Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

## **Hazing**

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort,

bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

### **Prevention**

Prevention is the cornerstone of the district's effort to address bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011." District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data
- gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district's code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

### **Role of the ~~Bullying Prevention~~ Dignity Act Coordinator (DAC) (BPC)**

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression), as the ~~Bullying Prevention Dignity Act~~ Coordinator (DAC) (BPC), accountable for implementation of this policy. The ~~BPC~~ DAC will be responsible for coordinating and enforcing this policy

and regulation in each school building, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- assuring the Dignity Act's curriculum components are in place.

### **Reporting and Investigation**

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the ~~Bullying Prevention~~ Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting.

The district will promptly and equitably 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.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

### **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to bullying. 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 desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/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 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 bullying and preventing the bullying of other students.

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal, the principal's designee or the Building Level Bully Prevention Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than *three working days* following receipt of a complaint, the principal, the principal's designee or the Building Level Bully Prevention Dignity Act Coordinator should begin an investigation of 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;
  - An escort during passing periods;
  - 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 the telephone in the event that the student feels threatened and needs immediate access to parent or guardian;
  - Assignment of a bus monitor/attendant.

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.

Parents of student targets and accused students should be notified within twenty-four hours 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, skill building activities 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. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

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

state law. School districts should make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and the accused, within five working days notifying them by phone, in writing, or in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target 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 bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Building Level Bullying Prevention Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement 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.

**B. District-level Procedure**

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board of Education President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible *but not later than three working days* following receipt of the complaint by the Superintendent or Board of Education President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.



No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board of Education-appointed investigator) will notify the target and alleged perpetrator, 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 of Education-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board of Education President within 30 days.

C. Board of Education-level Procedure

When a request for review by the Board of Education has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board of Education.

The Board of Education shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board of Education shall render a decision in writing within 15 days after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1 8NYCRR Sec. 185.12 (appendix 1) Records Retention.

**Retaliation Prohibited**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

**Remediation/Discipline/Penalties**

The District supports the development of measured, balanced and age-appropriate responses to the bullying, harassment and discrimination of students by students and/or employees on school property, including school

functions, with remedies and procedures focusing on intervention and education. Successful intervention may involve remediation.

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

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 Code of Conduct 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.

### **Policy Dissemination**

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

All employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

### **Training**

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The ~~bullying prevention~~ dignity act coordinator, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adoption date:

**HARASSMENT AND/OR BULLYING COMPLAINT FORM**

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps. **If you feel unsafe, or if your child feels that way, fill out this form, but we urge you to speak directly with (insert name \_\_\_\_\_) by either visiting room \_\_\_\_ or calling \_\_\_\_\_ as soon as possible so we can address your concerns.**

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_  
Grade: \_\_\_\_\_ School: \_\_\_\_\_

Describe the incident(s). Please include when and where it happened.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the name(s) of the individual(s) accused of bullying and/or harassment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were there any witnesses? \_\_\_ Yes \_\_\_ No If yes, please list the names of the individual(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I certify that all statements on this form are accurate and true to the best of my knowledge.*

\_\_\_\_\_  
Signature Date

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to: *(insert applicable name and address of school staff)*

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

Adoption date:

**Harassment and/or Bullying Complaint Form - Elementary**

The purpose of this form is to inform the district of an incident or series of incidents of bullying and/or harassment so we can investigate and take appropriate steps. If you feel unsafe, or your child feels that way, fill out this form, but we urge you to speak directly with the **Principal** or **Assistant Principal** by either visiting the school or calling (*insert telephone number*) as soon as possible so we can address your concerns.

Student's Name \_\_\_\_\_ Grade \_\_\_\_\_

Teacher \_\_\_\_\_ Date of Incident \_\_\_\_\_ Location/Time of Incident \_\_\_\_\_

Completed by \_\_\_\_\_ on Behalf of \_\_\_\_\_

Target(s):

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Who was involved?

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What happened?

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Where did it happen?

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---

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When did it happen?

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Additional Notes:

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*I certify that all statements on this form are accurate and true to the best of my knowledge.*

**Signature**

**Date**

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to the Principal or Assistant Principal.

Note on confidentiality: In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

## SEXUAL HARASSMENT AND STUDENTS

The Board of Education recognizes that sexual harassment of students on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms ~~victims~~ targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn productively. Sexual harassment includes acts of sexual violence. Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Note that use of the term "sexual harassment" throughout the policy includes sexual violence unless otherwise noted.

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 5020.1-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 5020.1-R for examples). Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, student to student, student to staff, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student.

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all ~~victims~~ targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

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 and/or federal law.

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

The Superintendent of Schools is directed to develop and maintain regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district's website and shall also be published in student registration materials, student handbooks, and other appropriate school publications.

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

Cross-ref: 9110.2, Sexual Harassment and Staff  
Part 83, Commissioner's Regulations

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
*Davis v. Monroe County Board of Education*, \_\_ U.S. \_\_; 119 S.Ct.1661 (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)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwent Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)

Office for Civil Rights, Dear Colleague Letter: Sexual Harassment Issues (2006)

Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

Adoption date: June 6, 1994 (prior policy 9010.2)

Revision dates: May 22, 2000; Feb. 13, 2006; Dec. 15, 2008

Reviewed: Jan. 9, 2012



## SEXUAL HARASSMENT AND STUDENTS REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment in furtherance of the district's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

### *Sexual Harassment Defined*

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature. ~~when:~~ Use of the term "sexual harassment" throughout the regulation includes sexual violence unless otherwise noted.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

### Sexual or gender-based harassment occurs when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive educational environment.

### *Unacceptable Conduct*

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually

- degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations or use of electronic media (e.g. blogs, e-mails, etc.) to talk about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or ~~sexual preference;~~ orientation, gender identity or expression;
  6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
  7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
  8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
  9. clothing with sexually obscene or sexually explicit slogans or messages;
  10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
  11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
  12. any ~~other~~ unwelcome gender-based behavior based on sexual stereotypes and attitudes that is offensive, degrading, intimidating, or demeaning, ~~or that is based on sexual stereotypes and attitudes.,~~ including, but not limited to:
    - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
    - b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
    - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive. In addition, in the remainder of this regulation, the term sexual harassment will refer to both sexual and gender-based harassment.

#### *Determining if Prohibited Conduct is Sexual Harassment*

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

#### *Reporting Complaints*

Any person who believes he or she has been the ~~victim~~ target of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. ~~Victims~~ Targets are encouraged to submit the complaint in writing; however, complaints may initially be filed verbally.

Complaints should be filed with the Title IX compliance officer or the second designee.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Title IX compliance officer or the second designee.

In order to assist investigators, ~~victims~~ targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the ~~victim's~~ target's response to the harassment.

### *Confidentiality*

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. 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 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 and preventing the harassment of other students.

### *Investigation and Resolution Procedure*

#### **A. Initial (Building-level) Procedure**

The Title IX compliance officer or the second designee shall conduct a

preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Title IX compliance officer or second designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. In the case of student to student sexual harassment, the initial investigation will be conducted by the building principal or his/her designee, following the steps outlined below.

As soon as possible, but no later than three working days following receipt of a complaint, the Title IX compliance officer or the second designee should begin an investigation of the complaint according to the following steps:

1. Interview the ~~victim~~ target and document the conversation. Instruct the ~~victim~~ target to have no contact or communication regarding the complaint with the alleged harasser. Ask the ~~victim~~ target specifically what action he/she wants taken in order to resolve the complaint. Refer the ~~victim~~ target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the ~~victim~~ target. If the ~~victim~~ target has not prepared written documentation, instruct the ~~victim~~ target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the ~~victim~~ target and to not retaliate against the ~~victim~~ target. Warn the alleged harasser that if he/she makes contact with or retaliates against the ~~victim~~ target, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods 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. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
8. **Parent/Student/Employee Involvement and Notification**
- a. Parents of student ~~victims~~ targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
  - c. If either the ~~victim~~ target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
  - d. The Title IX Compliance Officer or second designee (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
  - e. The investigator shall report back to both the ~~victim~~ target and the accused, 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 investigator shall instruct the ~~victim~~ target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
  - f. The investigator shall notify the ~~victim~~ target that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the ~~victim~~ target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Title IX Compliance officer or the second designee contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where Title IX compliance officer or the second designee has a reasonable suspicion that the

alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Title IX compliance officer or the second designee may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

**B. District-level Procedure**

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Title IX compliance officer or a second designee, as well as those appealed to the Superintendent following an initial investigation by a Title IX compliance officer or a second designee. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board of Education President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board of Education President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board of Education-appointed investigator) will notify the ~~victim~~ target and alleged harasser, 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 of Education-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The ~~victim~~ target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, ~~victims~~ targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights. Nothing in these regulations shall be construed to limit the right of

the complainant to file a lawsuit in either state or federal court.

### *Retaliation Prohibited*

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, 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 the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action and applicable law. 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.

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.

### *False Complaints*

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

### *Training*

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



school student body officers shall receive district training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning environment. Title IX compliance officers, second designees and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and the impact of sexual harassment on the ~~victim~~ target.

Adoption date: June 6, 1994 (prior regulation 9010.2-R)

Revision dates: May 22, 2000; Feb. 13, 2006

Reviewed: Jan. 9, 2012

**CODE OF CONDUCT****DEFINITIONS**

For purposes of this code, the following definitions apply.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process ~~and~~ or substantially interferes with the teacher's authority over the classroom, or fails to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.

"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.

"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 9-B of article 5 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.

"Gender" means actual or perceived sex and shall include a person's gender identity or expression as defined from §11(6).

"Gender expression" is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

"Gender identity" is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

"Harassment" means 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 or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal 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.

"Parent" means parent, guardian or person in parental relation to a student.

"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 ~~the school district~~, or in or on a school bus, as defined in Vehicle and Traffic Law §142; or at a school function.

"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 as defined in Vehicle and Traffic Law § 142.

"School function" means any school-sponsored extra-curricular event or activity, regardless of where such event or activity takes place, including those that take place in another state.

"Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality as defined from §11(5).

"Violent student" means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possess or displays, while on school property or at a school function, a weapon, or what appears to be a weapon.
4. Threatens, while on school property or at a school function, to use a weapon, or what appears to be a weapon.
5. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
6. Knowingly and intentionally damages or destroys school district property.

"Weapon" means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

Ref: §3214(2-a)(b);(3);(4); §2801(1) §11(5);(6)

Adoption date: January 27, 2003

Revision date: April 24, 2006; Dec. 15, 2008

Reviewed: August 22, 2011

## CODE OF CONDUCT

### STUDENT RIGHTS AND RESPONSIBILITIES

#### A. Student Rights

The district is committed to safeguarding the rights given to all students under state and federal law and district policy. In addition, to promote a safe, healthy, orderly and ~~civil~~ supportive school environment, all district students have the right to:

1. ~~Take part~~ Participate in all district activities on an equal basis regardless of their actual or perceived race, color, weight, creed, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation or gender (including gender identity and expression).
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations and rules and, when necessary, receive an explanation of those rules from school personnel.

#### B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by ~~all~~ district policies, rules and regulations dealing with student conduct.
3. Attend school ~~every day~~ everyday unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to direction given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to ~~control~~ manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems, ~~that might lead to discipline.~~
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.

11. **Conduct themselves as representatives of the district when participating in or attending school-sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.**

**Adoption date: January 27, 2003**

**Reviewed: August 22, 2011**

## CODE OF CONDUCT

### ESSENTIAL PARTNERS

The Board of Education recognizes that it is the responsibility of all stakeholders (essential partners) to promote a safe, orderly and stimulating school environment supporting active teaching and learning. To that end the following expectations have been developed as an essential but not exhaustive listing:

#### A. Parents

All parents or guardians are expected to:

1. recognize that the education of their child(ren) is a joint responsibility of the parents and the school community; and collaborate with the district to optimize their child's educational opportunities.
2. send their children to school ready to participate and learn;
3. ensure their children attend school regularly and on time;
4. ensure absences are excused;
5. insist their children be dressed and groomed in a manner consistent with the student dress code;
6. help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
7. know school rules and help their children understand them; so that their children can help create a safe, supportive school environment;
8. convey to their children a supportive attitude toward education and the district;
9. build ~~good~~ positive, constructive relationships with teachers, other parents and their children's friends;
10. help their children deal effectively with peer pressure;
11. inform school officials of changes in the home situation that may affect student conduct or performance;
12. provide a place for study and ensure homework assignments are completed.

#### B. Teachers

All district teachers are expected to:

1. maintain a climate of mutual respect and dignity; for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender, which will strengthen students' self-concept and promote confidence to learn;

2. provide all students with an educational program responsive to and appropriate to meet their individual needs;
3. know school policies and rules, and enforce them in a fair and consistent manner;
4. maintain confidentiality in conformity with federal and state law.
4. 5. communicate to students and parents:
  - a. course objectives and requirements
  - b. marking/grading procedures
  - c. assignment deadlines
  - d. expectations for students
  - e. classroom discipline plan
5. 6. communicate regularly with students, parents and other teachers concerning growth and achievement.
6. 7. ~~to~~ provide students with continuing opportunities for a well rounded education through extra and co-curricular activities such as music, athletics, etc
8. participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law;
9. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function;
10. address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. ~~Pupil Personnel~~ Student Services Staff

i. ~~Guidance Counselors~~

All ~~guidance counselors~~ student services staff are expected to:

1. maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
1. 2. assist students in coping with peer pressure and emerging personal, social and emotional problems;
2. 3. initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;
3. 4. regularly review with students their educational progress and career plans;
5. maintain confidentiality in accordance with federal and state law.
4. 6. provide information to assist students with career planning;
5. 7. encourage students to benefit from the curriculum and extracurricular programs.
8. make known to students and families the resources in the



- community that are available to meet their needs.
9. participate in school-wide efforts to provide adequate supervision in all school spaces.
  10. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  11. address personal biases that may prevent equal treatment of all students.

ii. ~~Psychologists/Social Workers~~

~~All Psychologists/Social Workers are expected to:~~

- ~~1. assist students in coping with peer pressure and emerging personal, social and emotional problems;~~
- ~~2. initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems;~~
- ~~3. provide support services to families through community outreach.~~

D. Security Personnel

All security personnel are expected to:

1. maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
1. 2. treat students with dignity and respect while maintaining a safe and secure environment;
2. 3. be supportive of the building administration, faculty and staff in their efforts to promote a safe, orderly and stimulating school environment;
3. 4. promote a welcoming and safe school environment by assisting visitors whenever possible.
5. address personal biases that may prevent equal treatment of all students.

E. Principals and Administrators

All principals and administrators are expected to:

1. promote a safe, orderly and stimulating school environment, supporting active teaching and learning; for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. ensure that students and staff have the opportunity to communicate

- regularly with the principal or his or her designee and approach the principal or his or her designee for redress of grievances;
3. maintain confidentiality in accordance with federal and state law.
  3. 4. evaluate on a regular basis all instructional programs; to ensure infusion of character education in the curriculum.
  4. 5. support the development of and student participation in appropriate extracurricular activities;
  5. 6. be responsible for enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
  7. provide support in the development of the code of conduct, when called upon. Disseminate the code of conduct and anti-harassment policies.
  8. participate in school-wide efforts to provide adequate supervision in all school spaces.
  9. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
  10. address personal biases that may prevent equal treatment of all students and staff.

F. All Other School Staff Personnel

All other school staff personnel are expected to:

1. maintain a climate of mutual respect and dignity, which will strengthen students' self-concept and promote confidence to learn;
2. know school policies and rules, and enforce them in a fair and consistent manner. for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. maintain confidentiality in accordance with federal and state law.
3. be familiar with the code of conduct.
4. help children understand the district's expectations for maintaining a safe, orderly environment.
5. participate in school-wide efforts to provide adequate supervision in all school spaces.
6. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. address personal biases that may prevent equal treatment of all students.

G. The Bullying Prevention Dignity Act Coordinator

1. promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation,

- gender or sex.
- 2. oversee and coordinate the work of the building-level bullying prevention committees.
- 3. identify curricular resources that support infusing character education in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- 4. coordinate training in support of the building-level bullying prevention committee.
- 5. be responsible for monitoring and reporting on the effectiveness of the district's student harassment and bullying prevention bullying prevention policy.
- 6. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 7. address personal biases that may prevent equal treatment of all students and staff.

#### H. Superintendent

The Superintendent is expected to:

- 1. promote a safe, orderly and stimulating school environment, supporting active teaching and learning; for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.
- 2. review with district administrators the policies of the Board of education and state and federal laws relating to school operations and management;
- 3. inform the Board of Education about educational trends relating to student discipline;
- 4. work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
- 5. work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- 6. maintain confidentiality in accordance with federal and state law.
- 7. participate in school-wide efforts to provide adequate supervision in all school spaces.
- 8. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
- 9. address personal biases that may prevent equal treatment of all students and staff.

**H. I. Board of Education**

The Board of Education is expected to:

1. promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.
2. maintain confidentiality in accordance with federal and state law.
3. develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
- ~~4.~~ 4. collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to implement and maintain a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions;
- ~~2.~~ 5. review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation;
- ~~3.~~ 6. lead by example by conducting Board of Education meetings in a professional, respectful, and courteous manner.
7. address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. address personal biases that may prevent equal treatment of all students and staff.

Adoption date: March 17, 2003

Revision date: April 24, 2006

Reviewed: August 22, 2011

**CODE OF CONDUCT****PROHIBITED STUDENT CONDUCT**

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment. The following discipline code applies to the behavior of all district students while attending school, and/or on school grounds, in school buildings, and/or participating in school sponsored activities, whether on, or off school property.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on educating students so that they may ~~the students' ability to~~ grow in self-discipline.

The Board of Education recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below are intended to do that and focus on safety and respect for the rights and property of others. Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the consequences ~~penalties~~ for their conduct. Serious or flagrant violations of the district's code of conduct can result in a hearing with the Superintendent or his/her designee or Board of Education. All violations apply to student behavior in school, on school property, on school buses and at school-sponsored functions.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

- A. Engage in conduct that is disorderly, i.e., intentionally causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof. Examples of disorderly conduct include but are not limited to:
1. Running in hallways.
  2. Making unreasonable noise.
  3. Using language or gestures that are profane, lewd, vulgar or abusive.
  4. Obstructing vehicular or pedestrian traffic.
  5. Engaging in any willful act which disrupts the normal operation of the school community.
  6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.

7. Computer/electronic communications misuse, including any unauthorized use of personal electronic devices (~~i.e. cell phones~~), computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.
- B. Engage in conduct that is insubordinate. Examples of insubordinate conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees, or otherwise demonstrating disrespect.
  2. Lateness for, missing or leaving school without permission.
  3. Skipping detention.
- C. Engage in conduct that is disruptive. Examples of disruptive conduct include but are not limited to:
1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
  2. Inappropriate public sexual contact.
  3. Display or use of personal electronic devices in a manner that is in violation of district policy.
- D. Engage in conduct that is violent. Examples of violent conduct include but are not limited to:
1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or threatening or attempting or threatening to do so.
  2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or ~~threatening or attempting~~ attempting or threatening to do so.
  3. Possessing a weapon (as defined in Policy 5300.5). Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function. Possession of fireworks or other explosive devices or items meant to resemble fireworks or other explosive devices.
  4. Displaying what appears to be a weapon, or threatening to use any weapon, fireworks or other explosive devices, or items meant to resemble fireworks or other explosive devices.
  5. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
  6. Intentionally damaging or destroying school district property.

- E. Engage in any conduct that endangers the safety, morals, physical or mental health or welfare of themselves or others. Examples of such conduct include but are not limited to:
1. Lying to school personnel.
  2. Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function.
  3. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
  4. Discrimination, which includes the use of race, color, weight creed, national origin, ethnic group, religion, religious practice, disability sex, sexual orientation, or gender (identity and expression) as a basis for treating another in a negative manner to deny rights, equitable treatment or access to facilities available to others.
  5. Harassment, as defined in the "Definitions" section of this Policy in any form including sexual harassment, but which also includes a sufficiently severe action or persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning. (Refer to Board of Education Policy, 0115.1, Student Harassment and Bullying Prevention and Intervention.)
  6. Sexual harassment is prohibited by law. Unwelcome sexual advances, request for sexual favors, or other written, oral or physical conduct of a sexual nature may constitute sexual harassment. Complaints regarding sexual harassment may be made directly to the Title IX Compliance Officer. (Refer to Board of Education Policy 5020.1 Sexual Harassment and Students and Board of Education Policy 9110.2 Sexual Harassment and Staff.)
  6. 7. Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm.
  8. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror (Refer to Board of Education Policy 0115.1, Student Harassment and Bullying Prevention and Intervention for a more complete definition.).
  - 7.9. Hazing, which includes any intentional or reckless act directed against another for the purpose of an induction, initiation into, affiliating with or maintaining membership in any school sponsored activity, organization, club or team. process involving harassment. (Refer to Board of Education Policy 0115.1, Student Harassment and Bullying Prevention and Intervention for a more complete definition.)
  8. 10. Selling, using, distributing or possessing obscene material.
  9. 11. Using vulgar or abusive language, cursing or swearing.
  10. 12. Smoking a cigarette, cigar, pipe or using chewing or smokeless tobacco.

11. 13. Possessing, consuming, selling, distributing or exchanging alcoholic beverages, drug paraphernalia or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
- ~~12. Possessing drug paraphernalia.~~
13. 14. Inappropriately using or sharing prescription and over-the-counter drugs.
14. 15. Gambling.
15. 16. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
16. 17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.
17. 18. Bomb threats, intruder or other false reports that would require the building to be cleared or locked down.
18. 19. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
- F. Engage in misconduct while on a school bus, contracted charter bus or other vehicles used in district approved and sponsored activities. It is crucial for students to behave appropriately while riding on district buses, to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated. Students should be seated while bus is in motion. Students are expected to follow the directions of the bus driver and/or other supervising adults.
- G. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
1. Plagiarism.
  2. Cheating, including any conduct which compromises the integrity of the examination.
  3. Copying.
  4. Altering records.
  5. Assisting another student in any of the above actions.
- H. Engage in off-campus misconduct that endangers interferes with, or can reasonably be expected to the health and safety of students or staff within the school or substantially disrupts disrupt the educational process in the school or at a school function. Examples of such misconduct include, but are not limited to:
1. Cyberbullying (i.e., inflicting willful and repeated harm through the use of electronic text).
  2. Threatening or harassing students or school personnel over the phone or other electronic medium.



3. Using message boards and/or social media to convey threats, derogatory comments or post pornographic pictures of students or school personnel.

Ref: Gun Free Schools Act 18USC §921

Adoption date: January 27, 2003

Revision dates: April 24, 2006; June 18, 2007; Dec. 15, 2008; Oct. 3, 2011

## CODE OF CONDUCT

### PUBLIC CONDUCT ON SCHOOL PROPERTY

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

#### A. Prohibited Conduct

No person, either alone or with others, shall:

1. intentionally injure any person or threaten to do so;
2. intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee, or any person lawfully on school property, by any means including graffiti or arson;
3. disrupt the orderly conduct of classes, school programs or other school activities;
4. distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, ~~ereed~~, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation—~~age~~, or gender (including gender identity and expression);
6. enter any portion of the school premises or property without authorization or remain in any building or facility after it is normally closed;
7. obstruct the free movement of any person in any place to which this code applies;

8. violate the traffic laws, parking regulations or other restrictions on vehicles;
9. smoke or otherwise use of any tobacco products on any school grounds, in any school building or on any form of school transportation;
10. possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function;
11. possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers; or as specifically authorized by the Superintendent of Schools;
12. loiter on or about school property;
13. gamble on school property or at school functions;
14. refuse to comply with any reasonable order of identifiable school district officials performing their duties;
15. willfully incite others to commit any of the acts prohibited by this code;
16. violate any federal or state statute, local ordinance or Board of Education policy while on school property or while at a school function.

#### B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. visitors - their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to legal action, i.e. charges of trespassing. Violations of law while on school premises shall be prosecuted pursuant to New York State Law.
2. students ~~and all staff members~~ - shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Faculty and staff shall be subject to disciplinary action as the facts may warrant, in accordance with any legal rights they may have.

#### C. Enforcement

All instructional staff and security personnel, under the direction of the school administration, shall be responsible for enforcing the conduct required by this code.

The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

Cross-ref: 1530, Smoking on School Premises  
9530, Smoking on School Premises By Staff  
0100, Equal Opportunity and Nondiscrimination  
0115.1, Student Harassment and Bullying Prevention and  
Intervention

Adoption date: March 17, 2003

Revision dates: May 22, 2006; Jan. 14, 2009; Nov. 2, 2009

Reviewed: Aug. 22, 2011

**CODE OF CONDUCT  
DISSEMINATION AND REVIEW**

**A. Dissemination of Code of Conduct**

The Board of Education will work to ensure that the community is aware of this code of conduct by:

1. providing copies of an age-appropriate, written in plain language, a summary of the code to all students at a general an assembly to be held at the beginning of each school year;
2. ~~Making copies of the code available~~ providing a plain language summary to all parents at the beginning of the school year, and thereafter on request;
3. ~~mailing a summary of the code of conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request;~~ posting the complete code of conduct on the district's website;
4. providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption;
5. providing all new employees with a copy of the current code of conduct when they are first hired;
6. making copies of the code available for review by students, parents and other community members;
7. distributing copies of the code of conduct to applicants for Use of Facilities, including building and field usage

The Board of Education will sponsor ~~an in-service education program~~ continued professional development for all district staff members to ensure the effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management. ~~the code of conduct.~~ The Superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding ~~in-service professional development~~ professional development programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

**B. Review of Code of Conduct**

The Board of Education will review this code of conduct every year and update it as necessary. In conducting the review, the Board of Education will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The Board of Education may appoint an advisory committee to assist in reviewing the code and the district's response to code of conduct violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any major revisions to the code, the Board of Education will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The Code of Conduct and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.

Adoption date: March 17, 2003

Revision dates: May 22, 2006; Jan. 14, 2009; Nov. 2, 2009

Reviewed: Aug. 22, 2011

## SEXUAL HARASSMENT AND STAFF

The Board of Education recognizes that sexual harassment of students and staff on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms victims targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively. Sexual harassment includes acts of sexual violence. Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Note that use of the term "sexual harassment" throughout the policy includes sexual violence unless otherwise noted.

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, staff to staff, student to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any employee.

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

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 of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and maintain regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district's website and shall also be published in student registration materials, student handbooks, and other appropriate school publications.

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

Cross-ref: 9110.2 5020.1, Sexual Harassment and ~~Staff~~ Students

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
 Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
*Davis v. Monroe County Board of Education of Education*, \_\_ U.S.\_\_; 119 S.Ct.1661 (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)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. ~~Gwent~~ Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)  
Office for Civil Rights, Dear Colleague Letter: Sexual Harassment Issues (2006)  
Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)

Adoption date: June 6, 1994, Revision date: March 2, 1998 (prior policy 9010.2)  
 Revision dates: May 22, 2000; Jan. 13, 2004  
 Reviewed: Jan. 26, 2010



## **SEXUAL HARASSMENT AND STAFF REGULATION**

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment in furtherance of the district's commitment to provide a healthy and productive environment for all students and employees that promotes respect, dignity and equality.

### *Sexual Harassment Defined*

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature. ~~when:~~ Use of the term "sexual harassment" throughout the regulation includes sexual violence unless otherwise noted.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

### Sexual or gender-based harassment occurs when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

### *Unacceptable Conduct*

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

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;

4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual ~~preference;~~ orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. any ~~other~~ unwelcome ~~gender-based~~ behavior based on sexual stereotypes and attitudes that is offensive, degrading, intimidating, or demeaning, ~~or that is based on sexual stereotypes and attitudes.~~, including, but not limited to:
  - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
  - b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the ~~student or~~ employee did not request or invite it and regarded the conduct as undesirable or offensive. In addition, in the remainder of this

regulation, the term sexual harassment will refer to both sexual and gender-based harassment.

#### *Determining if Prohibited Conduct is Sexual Harassment*

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment.

In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

#### *Reporting Complaints*

Any person who believes he or she has been the ~~victim~~ target of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. ~~Victims~~

Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, ~~victims~~ targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the ~~victim's~~ target's response to the harassment.

### *Confidentiality*

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. 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 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;
5. concerns of due process may require disclosure of the identity of the complainant to the alleged harasser.

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 and preventing the harassment of other students or employees.

*Investigation and Resolution Procedure*

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the ~~victim~~ target and document the conversation. Instruct the ~~victim~~ target to have no contact or communication regarding the complaint with the alleged harasser. Ask the ~~victim~~ target specifically what action he/she wants taken in order to resolve the complaint. Refer the ~~victim~~ target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the ~~victim~~ target. If the ~~victim~~ target has not prepared written documentation, instruct the ~~victim~~ target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the ~~victim~~ target and to not retaliate against the ~~victim~~ target. Warn the alleged harasser that if he/she makes contact with or retaliates against the ~~victim~~ target, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods 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. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification
- a. Parents/legal guardian of student ~~victims~~ targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. The parents/legal guardian of students who file complaints shall be kept apprised at each stage of both informal and formal investigation and resolution procedures.
  - c. If either the ~~victim~~ target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
  - d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
  - e. The investigator shall report back to both the ~~victim~~ target and the accused, 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 investigator shall instruct the ~~victim~~ target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
  - f. The investigator shall notify the ~~victim~~ target that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the ~~victim~~ target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an

academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent.

In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

**B. District-level Procedure**

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board of Education President.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board of Education President.

In conducting the formal district level investigation, the district will use investigators who have received training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board of Education-appointed investigator) will notify the ~~victim~~ target and alleged harasser, 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 of Education-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The ~~victim target~~ and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, ~~victims targets~~ have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights. Employee ~~victims targets~~ also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

#### *Retaliation Prohibited*

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, 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 the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action and applicable law. 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.

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.



*False Complaints*

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

*Training*

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. A poster summarizing the policy shall also be posted in a prominent location at each school. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the ~~victim~~ target.

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