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# WYANDANCH UNION FREE SCHOOL DISTRICT CODE OF CONDUCT POLICY

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## DISCRIMINATION: ANTI-BULLYING AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT

Updated to include DASA (§§ 10-18 of Education Law)

*It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as “the named group.”*

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board strictly prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, weight, ethnic group, religious practice, gender, marital status, military status, veteran status, or disability by employees, school volunteers, students, visitors, guests and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board also prohibits harassment based on an individual’s opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

Based upon the results of an investigation of bullying or harassment reports by/against the named group, if the District determines that one has violated the terms of this policy and /or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulations, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender’s employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, parents, visitors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

## **DISCRIMINATION: ANTI-BULLYING AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

### **Prohibited Conduct For the Named Group**

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, 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 race, color, national origin, creed, religion, marital status, gender, age, disability, military or veteran status, genetic predisposition, carrier status or sexual orientation.
6. Enter any portion of the school premises 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 traffic laws, parking regulations or other restrictions on vehicles.
9. 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.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.
16. The walking of dogs (pets) on school property is prohibited.

### **Penalties**

Persons who violate this code may be subject to immediate ejection and 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.
2. Students- They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Employees shall be subject to disciplinary action as the facts may warrant in accordance with Law or any other legal rights that they may have.

## Definitions Relevant to the Code of Conduct

### Bullying

1. **Power imbalance** – occurs when a bully uses his/her physical or power over a social 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 “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bullied & The Bystander*, 2003)

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 (“cyberbullying”), anonymous notes, etc
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spiting, 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, 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

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual’s actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, weight, ethnic group, religious practice, gender marital status, military status, veteran status, or disability that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual’s work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student’s academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars

the student's access to an educational opportunity or benefit; or adversely impacting one's mental, emotional and/or physical well-being.

- c) Reasonable causes or would reasonably be expected to cause a student to fear for his or her physical safety.
- d) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

The harassing behavior may be based on any characteristic, including, homosexuality, bisexuality, or asexuality, whether actual or perceived:

1. Sexual orientation (defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived)
2. Religious practice
3. Ethnic group
4. Age
5. Creed
6. Political affiliation
7. Marital status
8. Military/veteran status
9. National origin
10. Race
11. Weight
12. Religion
13. Disability
14. 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.

**DIGNITY FOR ALL STUDENTS ACT (DASA):**  
**Prevention and Intervention Regulations for Students**

In order to implement the Anti-Bullying/Dignity Act program the Board will designate at its annual organizational meeting a Dignity Act Coordinator. The role of the **DAC** is to coordinate and enforce this policy. In addition, the Superintendent will establish a district-wide Dignity Act Task Force (DA Task Force) on Bullying Prevention, as well as Dignity Act Coordinating Committees (DACC) in each school that will be overseen by the DAC. Committees will include representation from staff, administration, students and parents. The district-wide task force (DA Task Force) and the school-level committee (DACC) will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other administrative strategies. In addition the program will include reporting, investigating, remedying and tracking allegations of bullying.

**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 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.

**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.

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- 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, 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.

## **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.

## **ESSENTIAL PARTNERS:**

### **The WUFSD Board of Education will:**

- 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.
- Maintain confidentiality in accordance with federal and state law.
- Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code of conduct.
- Collaborate with student, teacher, administrator and parent organizations, school safety personnel and other school personnel to develop a code of conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
- Adopt and review at least annually the district's code of conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting Board meetings in a professional, respectful and courteous manner.

- 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.
- Address personal biases that may prevent equal treatment of all students and staff.

**The WUFSD District Superintendent will:**

- 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, and:
- Inform the Board about educational trends relating to student discipline.
- Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management.
- Maintain confidentiality in accordance with federal and state law.
- Work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
- Work with district administrators in enforcing the code of conduct and ensuring that all cases are resolved promptly and fairly.
- Participate in school-wide efforts to provide adequate supervision in all school spaces.
- 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.
- Address personal biases that may prevent equal treatment of all students and staff.

**Role of the Dignity Act Coordinator (DAC)**

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, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC), accountable for implementation of this policy. The DAC will be responsible for coordinating and enforcing this policy and regulation in each school building, including but not limited to coordination of:

- Promoting 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.
- Overseeing and coordinating the work of the district-wide and building level bullying prevention committees.
- Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
- Coordinate, with the Professional Development Committee, training in support of the Dignity Act Committee.
- Be responsible for monitoring and reporting on the effectiveness of the district’s bullying policy.

- 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 through managing the complaint process.
- Address personal biases that may prevent equal treatment of all students and staff.

### **WUFSD Principals/Administrators**

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/administrators and have access to the principal/administrators for redress of grievances.
3. Maintain confidentiality in accordance with federal and state law.
4. 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.

### **WUFSD 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, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. 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.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
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.



## **WUFSD Guidance Counselors**

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.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher /student /counselor conferences and parent/ teacher/student/counselor conferences, as necessary, as a way to resolve problems.
4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
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.

## **Other WUFSD School Personnel**

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.
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.

## **WUFSD Parents**

All parents are expected to:

1. Recognize that the education 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 education 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. Ensure their children are 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 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.

## **The WUFSD Students Rights and Responsibilities**

### **Student Rights**

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

1. Take part in all district activities on an equal basis regardless of race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
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.

### **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 district policies, rules and regulations dealing with student conduct.
3. Attend school every day 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 manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
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.

### **Reporting and Investigation**

In order for the Board 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 Dignity Act Coordinator as soon as possible after the incident, so that it may be effectively investigated and resolved. The district will also have a bullying complaint form available on its website, and in each building, to facilitate reporting.

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. *At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or if applicable, (0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment) and the districts code of conduct.*

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, Task Force, building representative, or other administrator who supervises their employment. In addition, there shall be a further duty for all school personnel to report any incidents of students to their building principals or together 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.

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.

### **Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

### **Knowingly Makes False Accusations**

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s).

### **Confidentiality**

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.

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 to 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**

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

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

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 Dignity act Coordinator shall take 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 five school days following receipt of a complaint, the principal, the principal's designee or the 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.

The Board 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.

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:

1. A "permanent" hall pass that allows the student to visit a designated adult at any time; leave the classroom before or after the period ends, be escorted by security during passing periods,

2. 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;
3. Assignment of a bus monitor, buddy, and/or Security Guard.

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 one school day of allegations that are serious or involve repeated conduct.

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

- a. Mediation amongst all parties;
- b. Discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- c. Suggesting counseling, skill building activities and/or sensitivity training;
- d. Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- e. Requesting a letter of apology to the target;
- f. Writing letters of caution or reprimand; and/or
- g. Separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. 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 ten (10) school days notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The 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 Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity,

he/she should immediately notify the Superintendent, who shall 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.

### **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 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 five school days following receipt of the complaint by the Superintendent or Board 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 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.

Not later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-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-appointed investigator will provide all parties with a written status report with 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 President within 30 days.

### **Board-level Procedure**

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

The Board 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 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.

### **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

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**

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 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.



## **Provisions for Students Who Do Not Feel Safe At School**

The Board acknowledges that, the district is required to provide a safe environment for all students. However, there may be students who still feel unsafe. 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 the 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 discontinued.

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 an 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 denial of future access to school property.

## **Policy Dissemination**

All students and employees shall be informed of this policy in student and employee 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 employees shall receive information about this policy and regulation at least once a year.

A bullying complaint form will be available on the districts' website.

The Board 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, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year, and thereafter on request.
3. Posting the complete code of conduct on the districts' website.
4. Providing all current teachers and other staff members with a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees, new students and their parents with a copy of the current code of conduct when they are first hired/enrolled, respectively.
6. Making copies of the complete code available for review by all students, parents and other community members.

**Adoption date: July 1, 2012** – Each year, as a part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with the state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will collect relevant data from written and verbal complaints to allow reporting to the Board and SED on an annual basis.

<sup>1</sup> **Ref:** Education Law § 3214  
8 NYCRR §100.2 (J)

Matter of O’Conner v. Bd. Of Ed., 65 Misc. 2 d 40, 43 (due process)

Appeal of Reeves, Dec. No. 13,857 (1998) (involuntary transfer)

Appeal of Ward, 27 EDR 217 (1988) (indefinite suspension)

Appeal of Wood, 27 EDR 92 (1987) (Suspension beyond school year)

Matter of Clark, 21 EDR 542 (1982) (extracurricular activities)

Matter of Caskey, 21 EDR 138 (1981) (reduction in grade)

Matter of McWhinnie, 20 EDR 145 (1980) (reduction in grade)

Matter of Labriola, 20 EDR 74 (1980) (excessive penalty)

Matter of Roach, 19 EDR 377 (1980) (transportation; contingent suspension)

Matter of Wright, 18 EDR 432 (1978) (formal due process)

Matter of Macheski, 13 EDR 112 (1973) (suspension by a principal)

Matter of DeVore, 11 EDR 296 (1972) (insufficient basis for discipline)

Matter of Port, 9 EDR 107 (1970) (informal due process)

<sup>2</sup> **Ref:** 8 NYCRR §100.2 (1) (3)  
Rules of the Board of Regents §19.5

<sup>3</sup> **Ref:** New Jersey v. TLO, 469 U.S. 325 (1985)  
People v. Scott D., 34 NY2d 483 (1974)  
Horton v. Goose Creek Independent District, 690 F. 2d 470 (1982)  
Doe v. Renfrow, 631 F 2d 91, cert. den. 451 US

**WYANDANCH UNION FREE SCHOOL DISTRICT**

**THE BOARD OF EDUCATION  
DISCRIMINATION/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 that you or your child has been subject to bullying and/or harassment, please make an appointment to speak directly with the principal or his/her designee as soon as possible, so we can address your concerns.

**Person completing this report:** \_\_\_\_\_

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

**Contact Information:**

Address: \_\_\_\_\_

Telephone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_ Email: \_\_\_\_\_

**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 the name(s) of the individual(s).

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

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

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Date