

## PROHIBITION OF DISCRIMINATION, HARASSMENT, AND BULLYING DASA

### I. Statement of Policy

- A. No student shall be subjected to harassment or bullying (as defined below) by employees or students on school property or at a school function.
- B. No student shall be subjected to discrimination based on a person's actual or perceived race, (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by another student or a school employee on school property or at a school function. This Policy does not prohibit a denial of admission into, or an exclusion from, a course of instruction that is permissible under the New York State Education Law and Federal Title IX of the Education Amendments of 1972; nor does it prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.
- C. The goal of this Policy is to create a school environment that is free from harassment, bullying, and discrimination. This Policy shall be interpreted and implemented so that the District complies with its obligations and responsibilities under Article 2 of the New York State Education Law (Dignity for All Students Act).
- D. Anyone who feels that they have experienced prohibited discrimination, harassment or bullying should bring this to the District's attention by using the Complaint Procedure described below.
- E. Any complaints alleging violations of Title IX of the Education Amendments of 1975, as amended, shall also be reviewed under the District Title IX Policy #0013.

### II. Definition of Harassment and Bullying

- A. Conduct (including verbal conduct) directed at a student will be classified as harassment or bullying if it creates a hostile environment and also has one of the following effects:
  - 1. the conduct has or would have the effect of unreasonably and substantially interfering with either
    - a. the student's educational performance, opportunities, or benefits, or
    - b. the student's physical, emotional, or mental well-being, or

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2. the conduct causes, or would reasonably be expected to cause, the student to fear for the student's physical safety, or
  3. the conduct causes, or would reasonably be expected to cause physical injury, or
  4. the conduct causes, or would reasonably be expected to cause harm to the student's emotional well-being through the creation of a hostile school environment that substantially and unreasonably interferes with the student's education.
- B. Conduct that occurs off school property will be classified as a violation of this Policy if it creates, or foreseeably would create, a risk of substantial disruption within the school environment.
- C. Conduct that occurs through electronic communication will be classified as a violation of this Policy if it otherwise fits the definition set forth in this section.

### III. Strategy to Prevent Harassment, Bullying, and Discrimination

With the objective of preventing acts of harassment, bullying, or discrimination from interfering with any student's educational opportunities or sense of safety in school, the District will implement the procedures described in this Policy to:

- A. Expand student and employee awareness of the problem;
- B. Train staff and instruct students about appropriate, non-discriminatory behavior;
- C. Respond to reports of conduct that may violate this Policy; and
- D. Implement corrective and restorative measures as appropriate, when unacceptable conduct occurs.

### IV. Dignity Act Coordinators

- A. The Principal of each school building is designated as the District's Primary Dignity Act Coordinator for that school building. The Board's action appointing an individual to the position of Principal shall constitute the Board's appointment of that person as a Dignity Act Coordinator. The Board may appoint additional Dignity Act Coordinators.

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- B. The name and contact information for each Dignity Act Coordinator shall be publicized as follows:
1. listing such information in the Code of Conduct posted on the District's website;
  2. including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
  3. including such information in at least one mailing per school year to parents and persons in parental relation, and in additional mailings if the information changes;
  4. posting such information in a highly visible location in each school building; and
  5. making such information available at the District office and each school building office.

The publication of this information shall also inform students and persons in parental relation to students that the Dignity Act Coordinator is available to speak with them if they have witnessed possible discrimination or harassment or bullying, or if they have experienced treatment that may be prohibited discrimination or harassment or bullying.

- C. In the event a designated Dignity Act Coordinator vacates that position, the Superintendent shall immediately designate an interim Coordinator pending appointment by the Board. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another staff member shall be immediately designated by the Superintendent as an interim Coordinator pending return of the previous Coordinator to the position. Contact information for the new Coordinator shall be distributed as provided above.
- D. The Dignity Act Coordinators are responsible for receiving, investigating, and resolving complaints of conduct directed at students by other students or by District employees that may violate this Policy.
1. The Dignity Act Coordinators shall maintain records of all reports of possible violations that they receive, sufficient for the District to satisfy its reporting requirements under the Education Law.

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2. The Dignity Act Coordinators shall lead or supervise the thorough investigation of all reports of harassment, bullying, or discrimination against or directed at students, and shall ensure that the investigation is completed promptly upon receipt of the report of objectionable conduct.
  3. The Dignity Act Coordinators shall be instructed in the provisions of Article 2-A of the Education Law and thoroughly trained in methods to respond to human relations in the areas of race, (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.
  4. The Compliance, Title IX and DASA Coordinators shall promptly inform each other of complaints that involve conduct that may violate these other District policies, for further review and investigation, if required.
- E. When a report complains of possible discrimination by the Dignity Act Coordinator, the Superintendent shall designate another school official to conduct the necessary fact-finding and make recommendations.
- F. The Superintendent may appoint a special fact-finder to carry out the responsibilities of the Dignity Act Coordinator when the circumstances of a particular report warrant that action.
- V. Complaint and Investigation Procedure
- A. Report of Possible Harassment, Bullying or Discrimination: The Superintendent shall adopt a reporting form to be used for reporting conduct that may constitute a violation of this Policy. The form shall be available in all school buildings, on the District's website, and its availability shall be publicized in each school building and to the school community in general. The use of these forms is encouraged, but not required; the Dignity Act Coordinators shall conduct a fact-finding inquiry anytime a written or oral report is received that contains enough information to reasonably investigate.
1. A student may report possible harassment, bullying or discrimination directed at them or another student to any teacher, counselor, or other school personnel. If a student makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report is made is also responsible for reporting in writing their conversation and other available information to a Dignity Act Coordinator. School staff shall be trained on how to receive and refer student complaints.

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2. A parent, school volunteer, or other member of the public who wishes to report possible harassment, bullying, or discrimination against a student shall make the report to the Superintendent, a Dignity Act Coordinator, or any administrator or teacher. If a verbal report is made, a written report shall be requested. The person to whom the report is made is also responsible for reporting in writing their conversation and other information to a Dignity Act Coordinator.
  3. District employees who either witness conduct directed at a student that may be harassment, bullying, or discrimination, or receive an oral or written report of such conduct, must report that to a Dignity Act Coordinator. The employee must make an oral report to the Dignity Act Coordinator within one school day, followed by a written report to the Dignity Act Coordinator no more than two school days after their oral report.
- B. Investigation: Upon receiving a written report of possible harassment, bullying, or discrimination, the Dignity Act Coordinator shall lead or supervise an investigation designed to determine with a reasonable degree of probability what actually transpired.
1. The investigation should begin promptly after receiving the complaint, and be pursued with sufficient diligence to reach a conclusion promptly after receipt of a written report.
  2. The investigation should determine with as much detail as possible the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words spoken by each participant.
  3. The investigation shall include an opportunity for any person who has been identified as possibly violating this Policy to respond to each assertion made against them.
  4. Interviews shall be scheduled and conducted in compliance with applicable provisions of New York law.
- C. Resolution: When the investigation has been completed, the Dignity Act Coordinator shall document his/her determination as to whether there has been a violation of this Policy and, if so, what corrective or restorative actions are appropriate. Actions may be recommended to improve school climate where an investigation concludes that there has not been a violation of this Policy or the Code of Conduct, but that school climate can be improved by taking the recommended steps.

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1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination. The person who made the report shall be told of the option to have the determination reviewed.
  2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination and, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct violated the Policy shall have that explained to them, shall be told of the corrective action being taken by the District, and shall be told of the option to have the determination reviewed.
- D. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the District does not reveal information about reports or the fact-finding process except to the extent necessary to fulfill its legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred.
- E. Immediate Corrective Action: The Superintendent has discretion to implement immediate corrective action, pending the completion of a fact-finding inquiry, to protect an individual when the Superintendent concludes that the circumstances of a particular report warrant that action.
- F. Review of Coordinator's Determination: If a person who initiated a report of possible discrimination, harassment, or bullying, or a person whose conduct was challenged by a report of possible discrimination, is not satisfied with the determination of the Dignity Act Coordinator, that person may request that the determination be reviewed by the Superintendent.
1. A request for the Superintendent to review must be made in writing, filed with the Board Clerk within 10 business days of receiving the written notice of the determination.
  2. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken, if any.
  3. The Superintendent shall provide the written determination within 30 calendar days of receiving the written request for review.

## VI. Remedial Measures When This Policy is Violated

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#### A. School Climate

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

#### B. Individual Accountability

1. An employee found to have engaged in prohibited harassment, bullying, or discrimination against a student in the course of their employment may be subject to discipline, up to and including termination. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.
2. A student found to have engaged in prohibited harassment, bullying or discrimination against another student may be subject to discipline. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.

#### C. Report to Law Enforcement Agency

When a Dignity Act Coordinator believes that conduct has occurred that constitutes criminal conduct, the Coordinator shall promptly notify the Superintendent, and the Superintendent shall promptly notify the appropriate law enforcement agency.

### VII. Non-Retaliation

No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who in good faith reports information about a possible violation of this Policy to a District employee or to the Commissioner of Education or to a law enforcement agency, or who initiates a report or testifies or assists or participates in the investigation of a report.

### VIII. Training and Publication of Policy

- A. All students and their families will be notified at the beginning of the school year, or at the time of enrollment, of this Policy, the conduct expectations established by

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it, and how they may initiate a complaint, or report possible discrimination, harassment or bullying.

- B. A summary of this Policy shall be posted as part of the District's website, and shall be distributed periodically with District publications.
- C. The Superintendent shall ensure that all District employees receive training designed to meet the following objectives:
  - 1. discourage the development of harassment, bullying, and discrimination;
  - 2. make employees aware of the effects on students of harassment, bullying, cyberbullying, and discrimination;
  - 3. raise the awareness and sensitivity of employees to potential harassment, bullying, and discrimination;
  - 4. enable employees to prevent harassment, bullying, and discrimination;
  - 5. enable employees to respond to harassment, bullying, and discrimination;
  - 6. inform employees about social patterns of harassment, bullying, and discrimination, including that based on a person's actual or perceived race, (including but not limited to hair texture and protective hair styles), color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex; and
  - 7. provide employees with strategies for effectively addressing the problems of exclusion, bias, and aggression in an educational setting.
- D. The Superintendent shall develop and implement guidelines:
  - 1. for the development of nondiscriminatory instructional and counseling methods to be used by District staff;
  - 2. for the development of measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination by students, with remedies and procedures following a progressive mode that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors, and are consistent with the Code of Conduct; and



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3. that include safe and supportive school climate concepts in curriculum and classroom management.
- E. The District shall develop and implement a program of instruction in grades kindergarten through Grade 12 to include a component on civility, citizenship, and character education in accordance with Education Law.
1. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.
  2. Instruction on the principle of respect for others shall discourage acts of harassment, bullying, and discrimination.
  3. Instruction on the principle of tolerance, respect for others, and dignity shall seek to instill an awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races, (including but not limited to hair texture and protective hair styles), weights, national origins, ethnic groups, religious, religious practices, mental or physical disabilities, sexual orientation, genders (including gender identity or expression) and sexes.
  4. This shall include instruction about safe and responsible use of the internet and electronic communications.

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Holland Patent Central School District

Legal Ref: New York State Education Law, Article 2-A and Sections 3201 and 3201-a

Cross Ref: 0016, Nondiscrimination in Public Accommodations; 0013, Title IX Grievance Process; 1010, Code of Conduct; 8005, Prohibition of Discrimination and Harassment (Including Sexual Harassment) in Employment; 6203, Nondiscrimination in Educational Services; 6202.1, DASA Incident Reporting Form

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