



Book	Policies
Section	5000 Students - Elementary and Secondary
Title	Dignity of Students - Student Bullying Prevention and Intervention
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Dignity of Students – Student Bullying Prevention and Intervention

The Board of Education of the West Hempstead Union Free School District is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts.

Therefore, it is the policy of the District to prohibit bullying, discrimination and harassment on District property, District transportation and at school-sponsored events and functions, as well as cyberbullying as such term is defined herein. Acts of bullying and/or harassment are prohibited, whether they are committed directly or indirectly, in person (face-to-face), or remotely by use of electronic technology, either on school property, at a school function, on a school or charter bus, or off school property where there is a sufficient nexus to the school environment.

Definitions:

“Bullying” and/or “harassment” shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying and verbal and non-verbal actions that:

1. 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
2. reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
3. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or
4. occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

For purposes of this definition and this policy, the terms “threats, intimidation or abuse: shall include verbal and non-verbal actions.

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

1. “Bullying” and/or “harassment” can take many forms including, but not limited to: slurs, rumors, jokes, innuendo, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, or other written, verbal, non-verbal, physical and/or electronic actions.
2. The basis for such conduct may include, but is not limited to, a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status, or familial status.
3. “Bullying” and/or “harassment” do not have to include the intent to harm, be directed at a specific target, or involve repeated incidents, but are based upon the specific incident(s) involved.

“Electronic communication” means a communication transmitted by means of an electronic device, including but not limited to, a telephone, cellular phone, computer, laptop, pager, or other hand-held device, communications transmitted through email, text message, instant message, voicemail, social networking sites, webpage, video, blogs or twitter.

“Disability” – 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. Education Law §11[3] and Executive Law §202 [21]).

“Discrimination” – discrimination against any student by a student or students and/or an employee or employees on school property or at a school function, including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice disability, sexual orientations gender or sex.

“Employee” – any person receiving compensation from a school district or employee of a contracted service provider or worker place within the school under a public assistance employment program, pursuant to Title Nine of Article Five of the Social Services Law, and consistent with the provisions of such title for the provision of service to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Educational Law §§11[4] and 1125[3].

“Gender” – actual or perceived sex and includes a person’s gender identity or expression (Education Law §11[6]).

“School Function” – means a school sponsored extracurricular event or activity (Education Law

§11[2]).

“Emotional Harm” – within the context of harassment or bullying means harm to a student’s emotional well being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student’s education. (8 NYCRR §100.2[ii][1][e]).

“School Property” – in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a West Hempstead Union Free School District public elementary or secondary school; or in or on a school bus, as such term is further described in this section and Section 142 of the Vehicle and Traffic law (Education Law §11[1]).

Reporting:

In order for the Board to effectively enforce this policy and to take prompt corrective measures when the policy is violated, it is essential that all victims and persons with knowledge of bullying, harassment or similar behavior report it immediately to District administrative staff.

The Board of Education has appointed Dignity Act Coordinators for each school building in the District.

The District will promptly investigate all complaints, whether informal or formal, verbal or written. Complaints will be treated confidentially to the extent possible but limited disclosure may be required to complete a thorough investigation. If, after investigation, the District finds that there has been a violation of this policy, prompt corrective action that is reasonably calculated to end the harassment, bullying or discrimination, eliminate a hostile environment, prevent recurrence of the behavior, ensure the safety of those against whom such harassment, bullying or discrimination was directed and create a more positive school culture will be taken.

Any person having reasonable cause to suspect that a student has been subjected to bullying or harassment who, acting in good faith, either reports such information to school officials, to the commissioner, or to law enforcement authorities, or otherwise participates in proceedings related to such bullying or harassment, shall have immunity from any civil liability arising from making such report or participating in the related investigation.

All District employees who either witness behavior that may constitute bullying, harassment or discrimination or receive an oral or written report of harassment, bullying or discrimination, must orally notify the building principal or his/her designee not later than one (1) school day after such employee witnesses or receives a report of harassment, bullying or discrimination. Such employee must file a written report with the principal or his/her designee not later than two (2) school days after making such oral report.

Retaliation for reporting incidents of bullying or harassment, or for participation in a related investigation constitutes a violation of this policy. False reports or retaliation against the alleged bully or harasser also constitutes a violation of this policy. Acts of retaliation should be reported to the Administration. The District will investigate such reports and if, after investigation, the District finds that there has been a violation of this policy, prompt corrective action will be taken.

The principal of each building shall regularly report data and trends related to harassment, bullying and discrimination to the Superintendent.

Policy Implementation:

The Superintendent of Schools shall implement regulations for reporting, investigating and addressing allegations of harassment and/or discrimination.

The procedures for reporting, filing complaints and appealing decisions regarding bullying, harassment and/or discrimination in accordance with this policy are contained in the Administrative Regulations accompanying this policy.

The Board recognizes that the effective implementation of this policy requires that it be part of a District-wide educational program, which shall include elements of prevention, intervention and consequences:

Prevention will include:

1. Training for administrators and staff to increase awareness of the prevalence, social patterns, causes, consequences and effects of bullying, discrimination and harassment, and sharing strategies for preventing such behavior;
2. Promoting student involvement in anti-bullying and anti-harassment efforts, peer support, mutual respect and creating a culture, which encourages students to report incidents of bullying and harassment, or similar behavior to an adult;
3. Collaborating with families and the community to inform parents about the prevalence, causes and consequences of bullying and harassment;

Intervention will include:

1. Training for school staff on how to respond appropriately to students who engage in bullying, discrimination or harassing behavior, are victims of such behavior and are bystanders who report such behavior;
2. Remedial measures designed to correct the bullying or harassing behavior, prevent another occurrence and protect the victim;
3. Development of nondiscriminatory instructional and counseling methods; and
4. Thorough training of at least one staff member at every school to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, physical or mental ability or disability, sexual orientation, gender, sex, marital status, gender identity, socio-economic status or familial status. This staff member's contact information will be included in student registration materials, student, parent, and employee handbooks, and other appropriate school publications, and will be distributed to students and staff annually at the beginning of the school year.

Consequences may include:

1. Discipline, including suspensions and loss of privileges consistent with the Student Code of Conduct and all rights under law and other applicable agreements; and
2. Recognition for positive behavior exhibited by students who take an active role in addressing prohibited behaviors.

This policy shall be posted in a prominent place in each District facility, shall also be included in the Code of Conduct in plain language, student registration materials, student, parent and employee handbooks, and other appropriate school publications, and distributed to students and staff annually at the beginning of the school year. A summary of this policy shall be included as a part of the District's summary of the code of conduct.

References: 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.*
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
8 NYCRR §100.2 (jj)
34 CFR 100 *et seq.*
20 U.S.C 1681 *et seq.*
Section 504, Rehabilitation Act of 1973, 29 U.S.C. §794
IDEA, 20 U.S.C. §1400 *et seq.*

Executive Law §290 *et seq.*
Executive Law §§313(3), 3201, 3201-a
U.S. Department of Education, Office for Civil Rights,
Dear Colleague Letter, October 26, 2010.

Adopted: 12/16/08

Revised: 2/14/12, 11/19/13