



Dignity for All Students Act (DASA)

The Board of Trustees (the “Board”) of Cardinal McCloskey Community Charter School (“CMCCS” or the “School”) is committed to providing an educational and working environment that promotes respect, dignity, and equality. The Board recognizes that discrimination, harassment, hazing, and bullying are detrimental to student learning and achievement. These behaviors interfere with the mission of the School to educate its students and disrupt the operation of the School. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the School and the Board condemn and strictly prohibit all forms of discrimination, harassment, hazing, and bullying of students on School grounds, School buses, and at all School-sponsored activities, programs and events, including those that take place at locations outside of the School and off School grounds in certain instances.

Reported material incidents of discrimination, harassment, hazing, or bullying that take place at locations outside of School grounds, such as cyberbullying, which create or could foreseeably create a risk of substantial disruption within the school environment, are similarly prohibited and actionable under the Dignity Act.

This policy prohibits discrimination, harassment, hazing, and bullying of students by others in the School’s environment, including both students and employees. However, discrimination and harassment of employees and certain non-employees by others, including students, is covered by the School’s Prohibited Discrimination and Harassment Policy.

NOTE: If a formal Title IX Sexual Harassment Complaint is made under the School’s Prohibited Discrimination (Title IX) & Harassment Policy, this policy does NOT apply. However, if the Formal Title IX Complaint is dismissed, the School may still to choose to investigate the alleged sexual harassment under this policy, if the School determines that the alleged sexual harassment may potentially violate this policy.

Definitions

- **Cyberbullying** means Harassment or Bullying (as defined below) through any form of electronic communication.
- **Discrimination** means 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 definition of Harassment, below).
- **Hazing** means 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 or Bullying** means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off School Property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach School Property. Acts of Harassment and Bullying include, but are not limited to, those acts based on a person’s actual or perceived race,¹ color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression). For purposes of this Policy and its implementing regulation, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.
- **School Function** means a School-sponsored extracurricular event or activity.
- **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 the School or in or on a School bus.

In some instances Harassment or Bullying may constitute a violation of an individual’s civil rights. The School is mindful of its responsibilities under the law and in accordance with School policy regarding civil rights protections.

In order to streamline the wording of this policy and regulation, the term “Bullying” will be used throughout the encompass Harassment, Cyberbullying, and Hazing behaviors.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key School 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 School-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.

Curricular material that raises awareness and sensitivity to Discrimination or Harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional programs for students.

In order to implement this program, the School has designated the following administrator to serve as the Dignity for All Students Act Coordinator (“DAC”) for the School: Sheneka Gumbs,

¹ Including traits historically associated with race, including, but not limited to, hair texture and hairstyles. See *NYS CROWN Act*.



Social Worker. Ms. Gumbs can be contacted by calling 347-708-0480 or emailing sgumbs@cmccs.org.

Prevention of Cyberbullying

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 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.

In addition, intervention will focus upon the safety of the target. School staff are expected, when aware of Bullying, to report it in accordance with this policy, 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 acknowledges that, notwithstanding actions taken by School 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 ability to learn and reach their academic potential. School 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 Principal. The Principal, other appropriate staff, the student, and the student's parents/guardians will work together to define and implement any needed accommodations.

The School 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, parents/guardians, 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 recognizes that in order to implement an effective Bullying prevention and intervention program, professional development is needed. The Principal and the DAC 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 bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DAC will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.



Incident Reporting and Investigation

The School cannot effectively address Bullying if incidents are not reported. Students who have been Bullied, parents/guardians whose children have been Bullied, or other students who observe Bullying behavior are encouraged and expected to make a prompt verbal and/or written complaint to any School personnel in accordance with the training and guidelines provided.

There shall be a duty for all School personnel to report any incident(s) of Bullying that they observe or of which they become aware of to the Principal, the DAC, or other administrator who supervises their employment. An oral report shall be made within one (1) school day and the School reporting form must be completed within two (2) school days. The individual to whom the report is made will refer the information to appropriate School administrator for investigation in accordance with the regulation. If a staff person is unsure of the reporting procedure, they are expected to inquire about how to proceed by speaking with their supervisor. A School employee may be deemed to have permitted unlawful Bullying if they fail to report an observed incident, whether or not the target complains.

The DAC, Principal, or other designee will promptly investigate all complaints, formal or informal, verbal or written, in accordance with the accompanying regulation. To the extent possible, all complaints will be treated as confidential, although disclosure may be necessary to complete a thorough investigation and under applicable law.

Following an investigation, the DAC, Principal, or designee will determine whether the complaint is verified as a material incident of Bullying. A material incident is a single or series of incidents by a student and/or employee on School property, at a School function, or off School property where the act may create a risk of substantial disruption at School (including Cyberbullying). This includes conduct of such a severe or pervasive nature that it has one or more of the following effects: (1) interferes with the student's educational performance, opportunities, or benefits; (2) affects the student's mental, emotional, or physical well-being; (3) causes emotional harm that unreasonably and substantially interferes with a student's education; or (4) causes, or could reasonably be expected to cause, a student to fear for their physical safety.

When an incident is verified as material, the School shall take prompt action, consistent with School policy, to end the Bullying, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student(s). The School may utilize restorative practices and provide support to students involved which may include counseling, behavioral interventions, mediation, and/or conflict resolution. Measures may also include placing students in separate classes or transferring a student to a class taught by a different teacher. Interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the Bullying.

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 disagree with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified Bullying incidents that meet the criteria established by the State will be



included in the Statewide reporting system when applicable, in accordance with law and regulation.

At all times, complaints will be documented, tracked, and handled in accordance with the regulations and procedures accompanying this policy. The Principal shall maintain a log of Bullying incidents as a record for the purpose of tracking repeat offenders, as well as identifying trends. Written records should also capture what action, if any, was taken, or why no action was taken. Material incidents that result in corrective and/or disciplinary action will follow State guidelines for records retention and included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

Disciplinary Consequences/Remediation

While the focus of this policy is on prevention, acts of Bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and their behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced, and age-appropriate will be taken by the administration in accordance with School policy, as applicable. If, after appropriate investigation, the School finds that a student, an employee, or a third party has violated this policy, the School will take prompt corrective action in accordance with School policy and State and federal law. 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 will be made on an individualized basis in accordance with the severity and nature of the behavior, the developmental age of the student, the student's history of problem behaviors, among other factors. Students will be disciplined consistent with School policy. The School shall ensure the safety of the student(s) against whom such Bullying was directed and take reasonable measures to prevent recurrence of the offending behavior.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint have the right to be free from retaliation of any kind, when they do so with a good faith belief that a violation of this policy has occurred. Such prohibited retaliation may include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a Bullying claim. Such actions need not be job- or education-related, or occur in the workplace or education environment, to constitute unlawful retaliation.

Dissemination, Monitoring, Review, and Reporting

This policy, or a plain language summary, shall be published in student registration materials, Family Handbook, employee handbooks, and posted on the School's website. A bullying complaint form will be available on the School's website. The School will ensure that the process of reporting Bullying is clearly explained to students, staff, and parents/guardians on an annual basis.



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Each year, as part of the annual review of the School’s policies, 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 for its consideration.

The Board will receive the annual VADIR report for the School, with particular attention to the trends in the incidence of Bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of Bullying incidents that occur, disaggregated by school, student demographic information and type of incident. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy. The School will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy under the Family Education Rights and Privacy Act (“FERPA”).

REVISED: 5/6/26



STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION **REGULATION**

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, sexual harassment, hazing, intimidation, and bullying on School grounds, school buses, and at all School-sponsored activities, programs, and events. Discrimination, harassment, sexual harassment, hazing, or bullying that takes place at locations outside of School grounds, such as cyberbullying, 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.

NOTE: If a Formal Title IX Complaint is made under the School's Title IX Policy, this policy DOES NOT apply. However, if the Formal Title IX Complaint is dismissed, the School may still choose to investigate the alleged sexual harassment under this policy if the School determines that the alleged sexual harassment may potentially violate this policy.

Definitions

1. **Bullying** has been described by the U.S. Department of Education as unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated or has the potential to be repeated over time. According to the U.S. Department of Education, bullying generally involves the following characteristics:
 - **An imbalance of power** - Individuals who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
 - **Intent to cause harm** - The person bullying has a goal to cause harm. Bullying is not accidental.
 - **Repetition** - Bullying behaviors generally happen more than once or have the potential to happen more than once.
<https://www.nysed.gov/sites/default/files/definitions-of-bullying.pdf>

There are at least three (3) kinds of bullying: verbal, physical, and social/relational.

- Verbal bullying (which can be delivered orally, electronically, or in writing) includes name-calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, 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, arranging public



humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyberbullying prevention its website: <https://www.nysed.gov/edtech/internet-safety-and-cyberbullying>

2. **Cyberbullying** is defined as Harassment (see below) through any form of electronic communication.
3. **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).
4. **Harassment** has been defined in various ways in federal and state law (including penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board'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 the New York State Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off School Property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach School Property.

For the purpose of this definition, the term "threats, intimidation, or abuse" includes verbal and non-verbal actions.

Harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- 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.

This is not an exhaustive list. For example, students with acne or short stature, who are subjected to discrimination, harassment, or bullying, are also covered by the Dignity Act.

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

In order to streamline the wording of this policy and regulation, the term "Bullying" will be used throughout to encompass Harassment, Intimidation, Cyberbullying, and Hazing behaviors.

5. **Hazing** is an induction, initiation, or membership process involving harassment that creates realized or potential public humiliation, physical or emotional discomfort, bodily injury, or public ridicule.
6. **Sexual Harassment** is a form of harassment and sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual 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.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. Submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. The conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile, or offensive educational environment, even if the complaining individual is not the target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal,



or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

Examples of sexual harassment include, but are not limited to, the following:

- a. 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;
- b. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
- c. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
- d. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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.;
- e. unwelcome and offensive name-calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity, or expression;
- f. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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.;
- g. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist, so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
- h. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory, or imply sexual motives or intentions;
- i. clothing with sexually obscene or sexually explicit slogans or messages;
- j. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;



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- k. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
- l. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name-calling; or otherwise interfering with that person's ability to participate in school functions and activities; and
- m. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - i. 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;
 - ii. ostracizing or refusing to participate in group activities with an individual (for example, during class projects, physical education classes, or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
 - iii. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this policy, action or conduct will be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on School grounds, School buses, and at all School-sponsored activities, programs, and events, including those that take place at locations outside the School, or outside the School setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including on social media).

Prevention

Prevention is the cornerstone of the School's effort to address Bullying. The components of such an effort involve the following:



- Following "The New York State Dignity for All Students Act: A Resource and Promising Practices Guide for School Administrators and Faculty", the School 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 School policy. 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, social stigma in the School environment, gender norms in the School environment, and strategies for disrupting Bullying or other forms of violence.
- Providing adequate supervision.
- 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.
- The Board 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) for the School, accountable for the implementation of this policy. The DAC will be responsible for coordinating and enforcing this policy and regulation in the School.

Incident(s) Reporting

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 a Dignity Act Coordinator** as soon as possible after the incident so that it may be effectively investigated and resolved. The School will also make a bullying complaint form available on its website to facilitate reporting. The School will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of the incident(s) of Bullying are required, in accordance with State law, to orally report it to **the Principal, the Principal's designee, or a Dignity Act Coordinator** within one (1) school day and to fill out the School reporting form within two (2) school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. If a staff person is unsure of the reporting procedure, they are expected to inquire about how to proceed by speaking with their supervisor. School employees may be deemed to have permitted unlawful Bullying if they fail to report an observed incident, whether or not the target complains.



Parents/guardians of student targets and accused students should be notified within one (1) school day of allegations that are serious or involve repeated conduct.

The School will thoroughly, 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 or under applicable law.

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, and places it has occurred; the name of the perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

Confidentiality

It is School policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the School 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 School'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 School 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 their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. The request may limit the School's ability to respond to the complaint;
2. School policy and federal law prohibit retaliation against complainants and witnesses;
3. The School will attempt to prevent any retaliation, and
4. The School 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 School from responding effectively to the Bullying and preventing the Bullying of other students.

Supportive Measures and Accommodations

The School will determine whether the complainant needs any accommodations to ensure their safety, and will follow 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;



- Access to private locker room 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 a district-provided tutor until the case is resolved;
- Permission to use a personal cell phone in the event that the student feels threatened and needs immediate access to a parent/guardian; and
- Assignment of a bus monitor.

If either the target or the accused is a student receiving special education services under an IEP or Section 504/Americans with Disabilities Act accommodations, the student's Committee on Special Education will be consulted as appropriate.

The School recognizes that there is a need to balance accommodations that enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parents/guardians, and School administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussions 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.

Informal Resolution

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

- discussion with the accused, informing them of the School's policies and indicating that the behavior must stop;
- suggesting counseling, skill-building activities, and/or sensitivity training;
- conducting training for the department or School in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- requesting a letter of apology to the target;
- writing letters of caution or reprimand; and/or
- separating the parties.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of Bullying and/or Sexual Harassment is received, whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe or criminal conduct, the **Dignity Act Coordinator** will 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.



If a complaint contains evidence or allegations of serious or extreme Bullying or a civil rights violation, the complaint will be referred promptly to the Principal or the Principal's designee. The complainant will also be advised of other avenues to pursue their complaint, including contacting State and federal authorities.

Similarly, if a complaint received by the Title IX Coordinator or the Dignity Act Coordinator contains evidence or allegations of serious or extreme Bullying, such as employee to student harassment, criminal touching, quid pro quo sexual harassment (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will be referred promptly to the Principal or the Principal's designee. In addition, where the Title IX coordinator or the Dignity Act Coordinator has a reasonable suspicion that the alleged Bullying involves criminal activity, they must immediately notify the Principal or the Principal's designee, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a School employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

As soon as possible, but no later than **three (3) school days** following receipt of a complaint, **the Title IX Coordinator, Dignity Act Coordinator, or other designee** (the "Investigator") will begin an investigation of the complaint, which will include the following:

- 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.
- Instructing the target to have no contact or communication regarding the complaint with the alleged perpetrator(s). Asking the target specifically what action they want taken in order to resolve the complaint. Referring the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
- Instructing the alleged perpetrator(s) to have no contact or communication regarding the complaint with the target and to not retaliate against the target, and if they do contact the target or retaliate, they may be subject to disciplinary action.
- Providing the alleged perpetrator(s) a chance to respond and notify them 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.
- Requesting, reviewing, obtaining, and preserving relevant evidence of Bullying (e.g., documents, emails, phone records, etc.) if any exist.
- Recommending appropriate disciplinary action (if any) in accordance with School policy.

Once the investigation is complete, the Investigator will report back to both the 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. If additional time is needed to complete the investigation or take appropriate action, the Investigator will provide all parties with a written status report. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report



immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

The Investigator will create a written documentation of the investigation, kept in a secure and confidential location, which may include:

1. A list of all documentation and other evidence reviewed, along with a detailed summary;
2. A list of names of those interviewed, along with a detailed summary of their statements;
3. A timeline of events;
4. A summary of prior relevant incidents, reported or unreported; and
5. The final resolution of the complaint, together with any corrective action(s).

The Investigator will submit a copy of all investigation and interview documentation to the Principal or the Principal's designee. The Investigator will notify the target that, if they desire further investigation and action, they may request a School-level investigation by contacting the Principal. The Investigator will also notify the target of their right to contact the New York State Division of Human Rights, the U.S. Department of Education's Office for Civil Rights, and/or a private attorney.

Any party who is not satisfied with the outcome of the initial investigation may request a School-level investigation by submitting a written complaint to the Principal within thirty (30) days.

B. School-level Procedure

The Principal or their designee will promptly investigate and equitably resolve all Bullying and/or Sexual Harassment complaints that are referred to them, as well as those appealed to the Principal following an initial investigation. In the event the complaint involves the Principal, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

The School-level investigation should begin as soon as possible, but not later than three (3) school days following receipt of the complaint by the Principal or Board President.

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

If a School-level investigation results in a determination that Bullying and/or Sexual Harassment 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 thirty (30) days following receipt of the complaint, the Principal (or in cases involving the Principal, 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 Principal or Board-appointed investigator will provide all parties with a written status report.

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

C. Board-level Appeal

When a request for an appeal to the Board has been made, the Principal will submit all written statements and other materials concerning the case to the President of the Board.

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

The Board will render a decision in writing within fifteen (15) school days after the hearing has been concluded.

The School will retain documentation associated with complaints and investigations in accordance with applicable law.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in Bullying and/or Sexual Harassment will be subject to appropriate action, which may include disciplinary action. Remedial responses to Bullying and/or Sexual Harassment 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/guardian 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; and



- Peer support groups.

Consequences for a student who commits an act of Bullying or Sexual Harassment will 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, the student's history of problem behaviors, and must be consistent with School policy.

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 School policy 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 School 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 Bullying and/or Sexual Harassment may result in corrective or disciplinary action taken against the complainant.