

# Board Policy

## Dignity for All Students Act

Eastern Suffolk BOCES seeks to create an environment free of harassment, bullying, and discrimination, to foster civility in its facilities, and to prevent conduct that is inconsistent with its educational mission. ESBOCES, therefore, prohibits all forms of harassment and bullying of students by employees or other students on ESBOCES property and at ESBOCES functions.

ESBOCES further prohibits discrimination against students, including, but not limited to, discriminatory acts based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, or sex by employees or other students on ESBOCES property and at ESBOCES functions.

In addition, other acts of harassment, bullying, and/or discrimination that occur off ESBOCES property may be subject to discipline or other corrective action, where such acts create or would foreseeably create a risk of substantial disruption within the ESBOCES environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach ESBOCES property.

### Dignity Act Compliance Officer

At its annual Organizational Meeting, the Board shall appoint a Dignity Act Compliance Officer.

### Dignity Act Coordinator

In each of its instructional facilities, ESBOCES will designate at least one (1) employee to serve as Dignity Act Coordinator (DAC) and receive reports of harassment, bullying, and/or discrimination. Each DAC will be:

1. approved by the Board;
2. licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or the Chief Operating Officer;
3. instructed in the provisions of the Dignity for All Students Act and its implementing regulations;
4. thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, and sex;
5. provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

6. provided with training in the identification and mitigation of harassment, bullying, and discrimination; and
7. provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

ESBOCES will widely disseminate the name, designated facility, and contact information of each DAC to all ESBOCES employees, students, and parents or persons in parental relation by:

1. listing it in the *Code of Conduct*, with updates posted on the ESBOCES website;
2. including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;
3. providing it to parents or persons in parental relation in at least one (1) mailing or other method of distribution each school year, including, but not limited to, electronic communication or sending such information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent mailing, or other such method of distribution, as soon as practicable thereafter;
4. posting it in highly visible areas of instructional buildings; and
5. making it available at the ESBOCES administrative offices and individual facility main offices.

If a DAC vacates his/her position, ESBOCES will immediately designate another eligible employee as an interim DAC, pending Board approval of a successor DAC, within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform their duties for an extended period of time, ESBOCES will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

### **Training and Awareness**

Each year, all employees will be provided with training to promote a supportive learning environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. Such training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will include training to:

1. raise staff awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
2. address social patterns of harassment, bullying, and discrimination;
3. inform employees on the identification and mitigation of harassment, bullying, and discrimination.
4. enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

5. make employees aware of the effects harassment, bullying, cyberbullying, and discrimination on students;
6. provide strategies for effectively addressing problems of exclusion, bias, and aggression;
7. include safe and supportive learning climate concepts in curriculum and classroom management; and
8. ensure the effective implementation of ESBOCES policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized Agency-wide, and disseminated to all employees and parents or persons in parental relation. The ESBOCES *Code of Conduct* is also ESBOCES Administrative Regulation 2410R.1. Any changes to this Regulation are immediately updated to the ESBOCES internal document management system, *eDocs*, as well as to the ESBOCES website. All new employees are made aware of the ESBOCES *Code of Conduct* at New Employee Orientations. An age-appropriate summary will be distributed to all students at an assembly at the beginning of each school year.

### **Internal Reports and Investigations of Harassment, Bullying, and Discrimination**

ESBOCES encourages and expects students who have been subjected to harassment, bullying, or discrimination, parents or persons in parental relation whose children have been subjected to this behavior, other students who observe or are told of this behavior, and all ESBOCES employees who become aware of this behavior to timely report it to the Principal, Chief Operating Officer, or designee.

All ESBOCES employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. ESBOCES employees must make an oral report promptly to the Chief Operating Officer or Principal, their designee(s), or the Dignity Act Coordinator (DAC) not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two school days after making the oral report, the employee must file a written report with the Chief Operating Officer or Principal, their designee(s), or the DAC.

The Chief Operating Officer or Principal, their designee(s), or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. In investigating any allegation, the investigator may seek the assistance of the ESBOCES Civil Rights Compliance Officer in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Chief Operating Officer or Principal, their designee(s), or the DAC will take prompt action, consistent with the ESBOCES Code of Conduct, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive learning culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

The Chief Operating Officer or Principal, their designee(s), or the DAC will promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying, and/or discrimination constitutes criminal conduct.

## **Reporting Incidents**

### Reporting Incidents to the Chief Operating Officer

At least once during each school year, each building Principal will provide a report on data and trends related to harassment, bullying, and/or discrimination to the Chief Operating Officer in a manner prescribed by ESBOCES. This report will be used to submit the annual School Safety and the Educational Climate (SSEC) Summary Data Collection form to the State Education Department (SED).

### Reporting of Material Incidents to the Commissioner of Education

Each school year, ESBOCES will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year, in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or other date determined by the Commissioner.

## **Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on ESBOCES grounds or at an ESBOCES function and who acts reasonably and in good faith in reporting it to ESBOCES officials, the Commissioner, or law enforcement authorities, or who otherwise initiates, testifies in, participates in, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report or from initiating, testifying in, participating in, or assisting in those proceedings. ESBOCES also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

## **Publication of ESBOCES Policy**

At least once during each school year, all employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and employees may report harassment, bullying, and/or discrimination. Additionally, ESBOCES will maintain a current version of this policy on its website at all times.

## **Application**

Nothing in this policy or its implementing regulation should be interpreted to preclude or limit any right or cause of action provided under any local, State, or Federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals With Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

## **References:**

- Education Law §§10-18 and 2801
- 8 New York Code of Rules and Regulations (NYCRR) §100.2

- Board Policy 1440 – Non-Discrimination Statement
- Board Policy 2410 – Code of Conduct
- Board Policy 2440 – Statewide Uniform Violent Incident Reporting System
- Board Policy 4570 – Records Management
- Board Policy 6130 – Equal Educational Opportunity (Students)
- Board Policy 6218 – Bullying/Cyberbullying
- Board Policy 6219 – Student Gender Identity
- Board Policy 6560 – Harassment, Bullying, and Discrimination (Students)
- Board Policy 6570 – Complaints and Grievances by Students
- Administrative Regulation 1440R.1 – Non-Discrimination Statement
- Administrative Regulation 2410R.1 – Code of Conduct
- Administrative Regulation 4570R.1 – Records Management
- Administrative Regulation 6100R.1 – Dignity for All Students Act
- Administrative Regulation 6218R.1 – Bullying/Cyberbullying
- Administrative Regulation 6560R.1 – Harassment, Bullying, and Discrimination (Students)
- Administrative Regulation 6570R.1 – Complaints and Grievances by Students

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