Harassment of Students – Policy 5190

**Harassment of Students 5190**

**STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION 5190**

The Board of Education prohibits all acts of discrimination, harassment and bullying (including “cyber-bullying”) of students as well as retaliation by other students, school officers/employees, volunteers, vendors or visitors on school property or at school functions. The same actions occurring off-campus are also prohibited if the action or actions adversely affect the educative process and/or endangers the health, safety or morals of students and may be subject to disciplinary consequences.

**Definitions**

**Bullying**

Bullying is a form of harassment that consists of inappropriate persistent behavior including, but

not limited to: threats of intimidation of others, treating others cruelly, terrorizing, coercing, stalking, or habitual put-downs and/or badgering of others, whether done directly, indirectly, face-to-face or remotely through electronic communication (i.e., “cyber-bullying”). In order to facilitate implementation of this policy, provide meaningful guidance and prevent behaviors from rising to a violation of law, this policy will use the term bullying (which is usually

subsumed under the term “harassment”) to describe a range of misbehaviors such as harassment, hazing, intimidation or discrimination. The accompanying regulation provides more guidance regarding the definition and characteristics of bullying.

**Cyber-bullying**

Cyber-bullying is a form of bullying which occurs via electronic communication on the Internet,

on cellular phones or other electronic media. It can involve, but is not limited to: sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad.

**Discrimination**

Discrimination is the act of denying rights, benefits, 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 *Definitions* section, under Harassment, below).

**Hazing**

Hazing is a form of harassment among students defined as any intentional or reckless act

directed against another for the induction, initiation or membership process in any school sponsored activity, organization, club, or team involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule. Hazing of a student includes soliciting, encouraging, aiding, or engaging in “hazing” behavior as defined pursuant to District policy, regulation and/or law. Hazing is demeaning, abusive and/or illegal behavior that harms victims, and is inconsistent with the educational goals of the District by

negatively impacting the school environment. Hazing of a student by another student or group of students is strictly prohibited on school property; in school buildings; on school buses; by school sponsored groups, clubs or teams; and at school sponsored events and/or activities whether occurring on or off-campus.

**Harassment**

Harassment has been defined in various ways in federal and state laws and regulations. The

Board recognizes that these definitions are important standards, but the Board’s goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that 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 conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person’s actual or perceived:

• race,

• color,

• weight,

• national origin,

• ethnic group,

• religion,

• religious practice,

• disability,

• sex,

• sexual orientation, or

• gender (including gender identity and expression).

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The District is mindful of its responsibilities under the law and in accordance with District policy regarding civil rights protections**.**

**Retaliation**

Retaliation is a separate and distinct violation of this policy in which any employee, student, or

visitor mistreats any person because he/she reported in good faith, testified about, or otherwise assisted in an investigation, proceeding or hearing related to alleged harassment or bullying.

**School Property**

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 a public elementary or secondary school; or in or on a school bus or other school vehicle.

**School Function**

School Function means a school-sponsored extracurricular event or activity.

**Dignity Act Coordinator**

The Board of Education shall designate at least (1) staff member at every school building to be

thoroughly trained to handle human relations in the area of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender, gender expression and other characteristics protected by applicable federal, state and local laws (the Dignity Act Coordinator).

In the event a Dignity Act Coordinator vacates his or her position, another school employee shall be immediately designated for an interim appointment as Dignity Act Coordinator, pending approval of a successor Coordinator by the applicable governing body within 30 days of the date the position was vacated. In the event a Dignity Act Coordinator is unable to perform the duties of his or her position for an extended period of time, another school employee shall be immediately designated for an interim appointment as the Dignity Act Coordinator, pending return of the previous Dignity Act Coordinator to his or her duties.

**Adminstrative Regulations**

The Superintendent will establish regulations consistent with this policy designed to:

• Further define harassment/bullying/retaliation (giving specific examples thereof);

• Prevent harassment/bullying/retaliation of students;

• Provide students/parents with easy-to-follow complaint procedures for reporting harassing/bullying/retaliatory conduct;

• Provide means for stopping harassing/bullying/retaliatory conduct;

• Provide for immediate and thorough investigations of all complaints;

• Take corrective action if harassing/bullying/retaliatory conduct is discovered; and

• Prevent retaliation against those who make good-faith reports of harassing/bullying conduct or assist in an investigation related to same.

Approved by Board of Education: June 21, 2012

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