

POLICY

2012

7302

Orleans/Niagara BOCES

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Orleans/Niagara BOCES recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination and/or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act (New York State Education Law, Article Two), the BOCES will strive to create an environment free of bullying, discrimination, and/or harassment, and foster civility in the schools to prevent and prohibit conduct that is inconsistent with the BOCES' educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

As provided for in statute, the terms "bullying" and "harassment", as used in this policy, shall mean: 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, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; 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. Such conduct, verbal threats, intimidation, or abuse includes but is not limited to conduct, verbal threats, intimidation, or abuse based upon a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. The foregoing definition shall include acts of "bullying" and "harassment" that occur on school property, at a school function, or off school property where such acts create 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. "Cyberbullying" shall mean harassment or bullying, as defined above, which occurs through any form of electronic communication.

The BOCES condemns and prohibits all forms of bullying of, discrimination against, and harassment of students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. No student shall be subjected to harassment on any of those bases or classifications by any school employees or any students on school property or at a school function. Additionally, any act of discrimination or harassment that can reasonably be expected to adversely affect the school environment or the educational process may be subject to discipline to the extent authorized by law, even if not occurring on school property or during a school function.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be: A BOCES employee who is licensed and/or certificated by the commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, or school administrator; instructed in the requirements and provisions of the Dignity for All Students Act (New York State Education Law, Article Two); thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; provided with training in the identification and mitigation of harassment, bullying, and discrimination; and provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The names of and contact information for Dignity Act Coordinator(s) will be publicized to members of the school community, including but not limited to school personnel, students, parents and/or persons in parental relation.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The BOCES must provide the change in information to parents or persons in parental relation as soon as practicable.

Training

Training will be provided for BOCES employees to raise staff awareness and sensitivity regarding potential harassment, bullying, and/or discrimination of students and enable employees to prevent and respond to such discrimination, bullying, and/or harassment. Such training will: Address social patterns of harassment, discrimination, and/or bullying; address the importance of promoting a supportive school environment that is free from discrimination, bullying, and/or harassment; make BOCES employees aware how discrimination, harassment, bullying, and/or cyberbullying affects students; emphasize positive relationships; address prevention and intervention procedures and strategies to assist employees in recognizing and responding to harassment, bullying, and discrimination and effectively addressing problems of exclusion, bias, and aggression in educational settings; ensure the effective implementation of school policy regarding conduct and discipline, including but not limited to guidelines on promoting a safe and supportive school climate while discouraging discrimination, bullying, and/or harassment; and include safe and supportive school climate concepts in curriculum and classroom management.

Rules against discrimination, bullying, and harassment will be included in the Code of Conduct and publicized.

Reports and Investigations of Bullying, Discrimination and/or Harassment

Reports or complaints of harassment, bullying and/or discrimination may be made to the district superintendent, the civil rights compliance officer, or the principal.

BOCES employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the district superintendent, the civil rights compliance officer, the principal, or the principal's designee no later than one (1) school day after witnessing or receiving a report of such incident. The employee must then file a written report within two (2) school days after making the oral report. If, after an appropriate investigation, the BOCES finds that this policy has been violated, corrective action will be taken in accordance with BOCES policies and regulations, the Code of Conduct, and all appropriate federal or state laws. The district superintendent, the principal, or the designee of the district superintendent or the principal shall promptly notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constituted criminal conduct.

The BOCES will investigate complaints of harassment, bullying and/or discrimination and take prompt corrective measures, as necessary. Complaints will be investigated in accordance with applicable policies and regulations. Such investigations shall be led by the district superintendent, the principal, or a designee of the district superintendent or the principal. If it is found or determined that this policy has been violated, then corrective action will be taken in accordance with BOCES policies and regulations, the Code of Conduct, and applicable law. The BOCES shall implement measured, balanced, and age-appropriate responses to instances of harassment, bullying and/or discrimination by students, with progressive remedies and procedures including intervention, discipline, and education. Responses shall vary based upon the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors.

The BOCES shall report incidents involving discrimination or harassment to the New York State Education Department, to the extent required by law.

The BOCES will annually report material incidents of bullying, discrimination and/or harassment, which occurred during the school year, to the State Education Department. Such report shall be submitted in a manner and consistent with timelines prescribed by the Commissioner.

The principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the district superintendent in a manner prescribed by the district superintendent.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Neither the BOCES nor any employee shall take, request, or cause any retaliatory action against any person who, acting reasonably and in good faith, either makes a report of discrimination or harassment or initiates, testifies, participates, or assists in any formal or informal proceedings under Article Two of the Education Law or this policy.

Instructional Component

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. 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. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications. The component shall be incorporated in existing curricula consistent with direction from the Board of Regents and the Commissioner of Education.

Publication of Policies

Policies adopted pursuant to the Dignity for All Students Act (New York State Education Law, Article Two) (or plain language summaries of such policies) shall be disseminated to employees, students, and parents at least once during each school year. Additionally, such policies shall be maintained on the BOCES' Web site.

Administration and Enforcement

The District Superintendent shall have the authority to administer this policy, and to promulgate any regulations, rules, guidelines, or forms that are consistent with the terms and provisions of this policy and/or the provisions of law pursuant to which this policy is adopted.

Education Law Sections 10-18 and 801-a
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(1)(2)

Adopted September 2013

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REGULATION

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Orleans/Niagara BOCES

The following individuals and/or their successors shall serve as Orleans/Niagara BOCES Dignity Act Coordinators:

Name and Title	Site Information
Mrs. Cassandra Barnes Principal	Related Services Special Education Placement Office 4124 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 3712
Mrs. Paulette Hamilton-Koehler Principal	Roy-Hart Learning Center 4500 Orchard Place Gasport, New York 14067 716-731-6800 extension 4269
Ms. Ann Logel Principal	North Tonawanda Learning Center North Tonawanda Middle School 1350 Ruie Road North Tonawanda, New York 14120 716-807-3570 North Tonawanda High School 405 Meadow Drive North Tonawanda, New York 14120 716-807-3570
Mrs. Krista Macomber Principal	Newfane Learning Center 6175 East Avenue Newfane, New York 14108 716-778-6469 Orleans Learning Center 4232 Shelby Basin Road Medina, New York 14103 716-778-6469

Name and Title	Site Information
Mrs. Amanda Bennett Principal	Niagara Academy 3181 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 4481
Mrs. Anedda Trautman Principal	Niagara Career and Technical Education Center 3181 Saunders Settlement Road Sanborn, New York 14132 716-731-6800 extension 4443
Dr. Michael Weyrauch Principal	Orleans Career and Technical Education Center 4232 Shelby Basin Road Medina, New York 14103 716-731-6800 extension 2231