

## MISSION STATEMENT AND VISION

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

### Mission Statement

The mission of the district is to educate students to develop desired moral, ethical and cultural values, love of learning and an understanding and appreciation of the rights and duties of American citizens which will enable them to function effectively as independent individuals in a democratic society.

### Vision

The Hampton Bays Union Free School District, in partnership with students, staff, parents, and community, will work together harmoniously and consistently to create a safe and caring environment where compassion and respect are assured. A comprehensive educational program will be structured so as to permit students, staff, and community to learn, grow, and achieve. Further, we believe that all students can achieve at high academic levels and we guarantee that appropriate services and learning strategies will be available to attain this goal.

Cross-ref:     0200 District Goals  
                  0300 Accountability

Adoption: July 7, 2009

## NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race, color, national origin, creed, religion, marital status, sex (including pregnancy, childbirth, or related medical condition), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

### **Annual Notification**

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The following administrators have been designated to handle inquiries regarding the district's non-discrimination policies. Complaints of sexual harassment or discrimination are covered by policy 0110. Contact information for is as follows:

Assistant Superintendent for Curriculum & Instruction

Assistant Superintendent for Student Services  
 Director of School Safety & Transportation  
 Hampton Bays UFSD  
 86 E. Argonne Road  
 Hampton Bays, NY 11946  
 (631) 723-2100

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 0110, Sexual Harassment  
 5030, Student Complaints and Grievances  
 5300, Code of Conduct  
 9140.1, Staff Complaints and Grievances

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 *et seq.*  
 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.* (nondiscrimination based on race, color, and national origin in federally assisted programs)  
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)  
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* (nondiscrimination based on sex)  
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794  
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
 Genetic Information Nondiscrimination Act of 2008 P.L. 110-233  
 34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25  
 Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§10-18 (The Dignity for All Students Act)  
 Education Law §§313(3), 3201, 3201-a

Original Adoption Date: August 14, 2012  
 Update 1, First Reading: August 22, 2017  
 Update 1, Second Reading: September 12, 2017  
 Update 1, Adoption Date: September 12, 2017

## EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

### Definitions

- *Complainant* shall mean an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
- *Complaint* shall mean any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
- *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officers are the Assistants to the Superintendent for Curriculum & Instruction and Student Services.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

### A. Stage I--Compliance Officer

1. As soon as practicable, if possible within 30 days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/She shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

### B. Stage II--Superintendent of Schools

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.

2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

**C. Stage III--Board of Education**

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

Updated: July 12, 2012

## SEXUAL HARASSMENT POLICY

Sexual harassment is a form of sex discrimination that violates the law. It is the policy of the Hampton Bays Union Free School District to maintain a learning and working environment where any form of harassment based on gender and/or sexual orientation will not be tolerated. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Therefore, it shall be a violation of this policy for any student, employee, or third party (such as volunteers, independent contractors, and visitors on district property) to sexually harass any student or employee through conduct or communication of a sexual nature as defined by this policy. Further, it shall be violative of this policy for the district, through its employees, supervisory and otherwise, to permit a "hostile environment" to exist wherein the ability of an employee or a student to, respectively, work or learn is compromised by way of the existence of an environment which is intimidating, offensive or hostile to the sensibilities of the employee or student.

Sexual harassment in the school district by any employee, student or third party shall result in disciplinary action including but not limited to dismissal and may lead to personal legal and financial liability. Sexual harassment can also lead to the filing of criminal charges through the court system.

The district shall take steps to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees and students of their rights to raise and how to raise issues of sexual harassment under Title VII or Title IX and developing methods to sensitize the school community.

Any person who believes he/she has been the victim of sexual harassment by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school district official.

A copy of this policy and its accompanying regulation are to be distributed to all personnel, parents and students and posted in appropriate places.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*  
 Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*  
*Davis v. Monroe County Board of Education*, \_\_ U.S. \_\_; 119 S.Ct.1661 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwent County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

Adoption Date: August 11, 2009

## SEXUAL HARASSMENT REGULATION

This regulation sets out the guidelines for investigating and reporting allegations of sexual harassment.

### Definitions

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to such conduct or communication is made either explicitly or implicitly a term or condition of a person’s employment or advancement or the evaluation of a student’s performance or grades or of a student’s participation in school programs or activities; or
- submission to or rejection of such conduct or communication by an individual is used as a factor affecting the individual’s employment or education; or
- such conduct or communication has the purpose or effect of unreasonably interfering with an individual’s employment or education, by creating an intimidating, offensive or hostile environment.

Sexual harassment generally falls within one of two categories:

- Situations in which the person is confronted with an implied or explicit threat concerning the terms or conditions of his or her employment, or grades or participation in school activities.
- Situations in which no tangible threat or negative consequence is apparent but where the harassment creates an offensive, abusive or hostile environment.

### Unacceptable conduct

Sexual harassment shall include, but is not limited to, the following unwelcome behavior:

Unwelcome **Verbal** Conduct:

- a. sexual flirtations, advances or propositions;
- b. sexual innuendos, or suggestive comments or telephone calls;
- c. jokes of a sexual nature;
- d. sexually degrading words to describe an individual or an individual’s body;
- e. verbal threats of sexual nature;
- f. demands for sexual activity; and
- g. whistling or obscene gestures of a sexual nature.

Unwelcome **Nonverbal** Conduct:

- a. displaying of sexually suggestive objects or pictures; and
- b. obscene or sexually suggestive gestures or materials.

Unwelcome **Physical** Conduct:

- a. physical contact, including touching, pinching or brushing the body; and
- b. any type of coerced sexual activity, assault or attempted assault.

For purposes of this regulation, action or conduct shall be considered “unwelcome” if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

### Determining If Prohibited Conduct Is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

### Reporting Complaints

Any person who believes he or she has been the victim of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Victims are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

### ***Special Consideration Regarding Harassment of Students***

A student may complain to a school employee with whom they feel comfortable and trust. If the complaint involves student-to-student sexual harassment and the situation warrants it, the employee may intervene on behalf of the student. If the situation cannot be resolved in this manner, the employee will advise the complainant about the sexual harassment grievance procedure.



An employee is required to notify the Building Principal of any allegation to him/her of any circumstances believed to constitute sexual harassment. The Principal is required to notify the Superintendent of Schools immediately.

The school district will notify the parents or guardians of a student who complains of or is a witness to sexual harassment when the student comes forward with either an informal complaint to the Principal or a formal complaint at any level. In addition, parental notification will take place when a student is involved in an investigation. A student may be accompanied by a friend or advisor throughout the complaint procedure.

### Confidentiality

The school district and its agents shall respect the right to confidentiality of the complainant, witnesses (if any) and the accused. The complainant, witnesses and the accused shall be encouraged also to maintain confidentiality. This right will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of harassment and to take disciplinary action when warranted.

### Investigation and Resolution Procedure

#### ***Informal Complaints***

Complaints may be verbal and an informal meeting between the complainant and Principal will be held in order to gather information. At this time, the Principal will give the complainant a copy of the school district's sexual harassment policy and grievance procedure. The Principal will investigate the complaint and if the accused admits the allegations, the Principal is to obtain written assurance from the harasser that the unwelcome behavior will stop. The complainant is to indicate on the written report whether or not the resolution is satisfactory. A copy of the report and resolution will be given to the complainant, the accused and the Title IX coordinator within 5 working days of the filing of the complaint. If the resolution is satisfactory, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Principal will make periodic checks with the harasser and the victim to ensure that the harassment has in fact ceased and that there were no reprisals. Should the complainant be dissatisfied with the resolution, a formal complaint should be filed.

The Superintendent or the Board shall promptly take appropriate corrective action upon a determination of sexual harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

#### ***Formal Complaints***

Level I - The complainant will write the complaint on the district's grievance form and present it to the Principal or Title IX Coordinator, or will verbalize the complaint to the Principal or Title XI Coordinator for him or her to complete the form. Within one work day of receipt of a written or oral

report of sexual harassment, the Principal of the accused must notify the Title IX Coordinator, who will supply the complainant with the district's sexual discrimination grievance policy and regulation. The Principal or Title IX Coordinator will conduct a prompt and impartial investigation. The investigation shall include statements from the complainant, the alleged harasser and witnesses. The investigation may also consist of any other methods and documents deemed pertinent. If the Principal or Title IX Coordinator grants the grievance, it is referred to the Superintendent for the appropriate disciplinary action. The complainant, the accused and the Title IX Coordinator shall be informed, in writing, of the decision and resolution within 10 working days of the receipt of the complaint.

- Level II - A written appeal of the Principal's determination may be submitted by the affected person(s) to the Superintendent of Schools within 10 working days of receipt of notice. The Superintendent will review the facts rendered and conduct his or her own investigation. The complainant, the accused and the Title IX Coordinator shall be informed, in writing, of the decision and resolution within 10 working days of the receipt of the complaint.
- Level III - Affected parties will have 10 working days from receipt of the Superintendent's determination to file a written appeal with the Board of Education. The Board will, within 20 working days, conduct a hearing at which time the complainant will be given the opportunity to present the complaint. The complainant has the right to make the hearing public. The Board will give a written report to the complainant, the accused and the Title IX Coordinator within 10 working days following the completion of the hearing. The report will document any disciplinary action taken as a result of the complaint.

### Retaliation Prohibited

Any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assist any person who testifies, assists or participates in an investigation proceeding or hearing relating to a sexual harassment complaint, may become the subject of disciplinary action. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

### Sanctions

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. 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 student conduct and discipline 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 district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

### False Accusations

False accusations of sexual harassment can have a serious detrimental effect on innocent parties. Filing a false charge of sexual harassment would in itself be sexual harassment and the school district will take such disciplinary action it deems necessary and appropriate.

### Representation

It is the hope of the school district that all complaints may be resolved in a prompt and fair manner. However, all parties have the right to representation of their choice.

### Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of resource which may include filing charges and complaint with the Office of Civil Rights, 26 Federal Plaza, New York, NY 10278 (212) 264-5190.

### Retention of Records

Confidential grievance files which shall include all documents and final reports, concerning allegations of sexual harassment, regardless of the outcomes of investigation, shall be kept in a confidential file with the Title IX Coordinator. The maintenance of written, detailed grievance files provide data which may be valuable in the even of a Federal compliance investigation and also for the school district to monitor and plan its own compliance efforts.

Public Grievance files shall be kept which will not identify any of the parties involved. These records will indicate the subject matter of each grievance, the resolution of each and the date of the resolution. These records will be maintained in order to facilitate research by subsequent grievants for precedents which might relate to their own grievance and to facilitate public monitoring.

All records will be kept by the Title IX Coordinator for a period of 3 years after the grievance resolution.

Notifications

- A. A copy of this policy and its accompanying regulations are to be distributed on a yearly basis to all personnel, students and parents.
- B. The Hampton Bays Union Free School District shall on a regular basis, circulate notice of this policy, and shall invite questions to be directed to the Title IX Coordinator.

The notifications shall be directed:

- all district employees
  - all organizations utilizing the school or its programs
  - all middle school and high school students
- C. Copies of the district policy on sexual harassment will also be available, upon request, from the Title IX Coordinator, the Elementary School Office, the High School Office and the District Office.
  - D. Copies of the district policy on sexual harassment will also be available in the school libraries.
  - E. Copies of the district policy on sexual harassment will also be posted in appropriate places.

Updated: August 22, 2017

**Sexual Harassment Formal Complaint Form**

Hampton Bays Union Free School District  
86 East Argonne Road  
Hampton Bays, NY 11946  
(631) 723-2100

Individual Filing Complaint

Name \_\_\_\_\_

Position/Title \_\_\_\_\_

Date of Complaint \_\_\_\_\_

Complaint Filed Against

Name \_\_\_\_\_

Position/Title \_\_\_\_\_

Date and place of incident \_\_\_\_\_

Description of event(s) which caused you to file this complaint. Please give dates and relevant information in sequential order. Attach any documentation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witnesses (if any) \_\_\_\_\_

\_\_\_\_\_

Proposed Resolution \_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? to whom? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Supervisor/Title IX Officer \_\_\_\_\_

Date \_\_\_\_\_

Note: Prior Exhibit

**Sexual Harassment Complaint Appeal Form**

Hampton Bays Union Free School District  
86 East Argonne Road  
Hampton Bays, NY 11946  
(631) 723-2100

Individual Filing Complaint

Name \_\_\_\_\_

Position/Title \_\_\_\_\_

Date of Appeal \_\_\_\_\_

Date of Original complaint \_\_\_\_\_

Have their been any prior appeals? \_\_\_\_\_

Description of decision appealed \_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

Signature of Complainant \_\_\_\_\_

Date \_\_\_\_\_

Signature of Supervisor/Title IX Officer \_\_\_\_\_

Date \_\_\_\_\_

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. 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 Board condemns and strictly prohibits all forms of discrimination, and - harassment- and bullying, including hazing, on school grounds, school buses and at all school-sponsored activities, programs and events, whether on or off of school property

Reported material incidents of -discrimination, harassment, - or bullying, including hazing, that take- place at locations outside of school grounds, such as cyberbullying, which create or foreseeable create a risk of substantial disruption within the school environment are similarly prohibited - - and may be subject to disciplinary consequences and other responses set forth in this policy and/or its regulations.

### Definitions

**Bullying:** A form of harassment (see “Harassment” below). The regulation accompanying this policy provides additional guidance regarding the definition and characteristics of bullying. -

**Cyberbullying:** Harassment (or bullying) through any form of electronic communication. In order to be actionable under this Policy, cyberbullying that occurs off campus must create or would foreseeably create a risk of disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**Discrimination:** 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 *Definitions* section, under Harassment, below).

**Hazing:** 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:** Defined in various ways in federal and state law and regulation. 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 - threats, intimidation or abuse, whether verbal or nonverbal, 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 his or her physical safety; (c) reasonably causes or would 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. The harassing or discriminating conduct 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).

For purposes of this Policy and its implementing Regulation, the term “bullying” will encompass harassment, intimidation, cyberbullying and hazing behaviors and conduct. In some instances, bullying - 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.

### **Prevention**

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district 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 district-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 program K-12.

In order to implement this program, the Board will designate at its annual organizational meeting Dignity Act Coordinators (Assistant Principal in each building). The role of the DAC is to coordinate and enforce this policy in the school building to which they are assigned. In addition, the Board designates annually the Assistant to the Superintendent for Student Services as a district-wide DAC to oversee and enforce this Policy throughout the District and to chair the Dignity Act Committee.



**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 and harassment 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 systemic or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

**Training**

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DACs and the District Dignity Act Committee 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 DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

**Reporting and Investigation**

The District cannot effectively address bullying if incidents are not timely reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a 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 incidence of bullying that they observe or of which they are aware of to their building principal, the building DAC, or other administrator who supervises their employment. An oral report shall be made within one (1) school day and the District reporting form must be completed within two (2) school days. The individual to whom the report is made will refer the information to appropriate District staff for an investigation in accordance with Regulation. If a staff person is unsure of the reporting procedure, he/she is expected to make appropriate inquiry as to how to proceed by speaking with their supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident or a matter reported to them, whether or not the target of such discrimination or harassment complaints.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, District Policy 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment, and 5300, the district's Code of Conduct. Each Building Principal shall maintain a log or other record of bullying incidents as a means of tracking trends and/or offenders. 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 District and State guidelines for record retention and will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

An equitable and thorough investigation will be carried out by appropriate personnel in accordance with the Regulation. The results of the investigation shall be reported back to both the target and the accused in accordance with the Regulation. If either party disagrees with the result of the investigation, the party may appeal the determination in accordance with the Regulation.

### **Disciplinary Consequences/Remediation**

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, corrective and/or disciplinary action will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who is found to have committed an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the conduct/behavior, the developmental age of the student, and the student's past history, if any, of problem behaviors, and disciplinary consequences shall be consistent with the student Code of Conduct. The District shall also ensure the safety of the student or students against whom such bullying was directed and shall take reasonable measures to prevent recurrence of the offending behavior/conduct.

### **Non-Retaliation**

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

### **Dissemination, Monitoring, Review, and Reporting**

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the District's website. The district will ensure that the process of reporting bullying is clearly explained on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. In addition, the Board will receive, on an annual basis, a detailed report of the number of bullying incidents that occurred, disaggregated by school, student demographic information and type of incident. If changes are needed, revisions will be recommended to the Board for its consideration.

The district will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination  
 0110, Sexual Harassment  
 4321, Programs for Students with Disabilities  
 5300, Code of Conduct  
 5710, Violent and Disruptive Incident Reporting  
 9700, Staff Development

Ref: 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.*; 34 CFR §100 *et seq.*  
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794  
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
 Executive Law §290 *et seq.* (New York State Human Rights Law)  
 Education Law §§313(3), 3201, 3201-a  
*Tinker v. DesMoines Independent Community School Dist.*, 393 US 503, (1969)  
*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

Original Adoption: August 14, 2012  
 Update 1, First Reading: October 10, 2017  
 Update 1, Second Reading: October 10, 2017  
 Update 1, Adoption Date: October 10, 2017

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. The Board recognizes that discrimination and harassment may originate outside of school buildings, grounds or school-sponsored events and create, or would foreseeably create, a substantial disruption within the school environment; such harassment or discrimination, when identified, shall be addressed under the same provisions as when arising on school property or at school-sponsored events.

### Definitions

**Bullying:** In order to facilitate implementation, 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”), which is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

- **Power imbalance** - occurs when a bully uses physical or social power over a target.
- **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- **Threat of further aggression** - the bully and target believe the bullying will continue.
- **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

*(Barbara Coloroso, The Bully, The Bullied & The Bystander, 2003)*

There are at least four kinds of bullying: **verbal, physical and social/relational and cyberbullying.**

- **Verbal bullying** includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications (“cyberbullying”), anonymous notes, etc.
- **Physical bullying** includes, but not limited to, 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.
- **Cyberbullying** includes online or other electronic forms of communication of bullying, such as sending mean, vulgar, demeaning or threatening messages or images, posting sensitive and/or private information about another person or pretending to be someone in

order to make the person look bad, or intentionally excluding someone from an online group.

**Discrimination:** 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).

### **Harassment**

Harassment has been defined in various ways in federal and state law (including the 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 Education Law) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse 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 his or her physical safety; (c) 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 such conduct, threats, intimidation or abuse might reach school property. 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).
  - 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.

**Hazing:** 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.

**Prevention:** The cornerstone of the district's effort to address bullying and harassment. The components of such an effort involve the following

- Gathering information about bullying at school directly from students;
- Using data to assist in programming and resource allocation decision-making;
- Establishing clear school and classroom rules about bullying consistent with the district's code of conduct;
- Training adults in the school community, including parents, to identify and respond sensitively and consistently to bullying;
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground;
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

**Dignity Act Coordinator (DAC):** The Board of Education 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 chairman of the District Dignity Act Advisory committee, as well as a Dignity Act Coordinator for each building, all of who are accountable for implementation of this policy. The DAC is responsible for coordinating and enforcing this policy and regulation in each school building, including the complaint process.

### **Reporting and Investigation**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons, whether students, employees or parents, with knowledge of bullying report such behavior immediately to the DAC as soon as possible after the incident so that it may be effectively investigated and resolved. The district will make a bullying complaint form available on its website and in the Main Office of each school to facilitate reporting. The District will collect data to allow reporting on an annual basis.

Each Building Principal shall maintain a log or other record of incidents of bullying as a record for the purpose of tracking and identifying trends and repeat offenders. All confirmed incidents of bullying must be documented in the file of the student offender. Written records should capture what action, if any, was taken, or why no action was taken. Any founded reports shall remain in the student's file, in addition of being noted in the electronic student management system, and will travel with the student from school to school or upon transfer to another school. This information, except as authorized by the parent of a minor-aged student or the student if of majority age, shall not be shared with potential colleges, post-secondary institutions or student's prospective employers. In the event that an employee is found to have engaged in bullying of a student, the records shall be designated to the employee's personnel record in the Human Resources Department.

The district will 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.

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, places it has

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

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective and possibly disciplinary action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with that policy will be followed, as applicable. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made to the Superintendent in accordance with the process described below.

### **Confidentiality**

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

- the request may limit the district's ability to respond to his/her complaint;
- district policy and federal law prohibit retaliation against complainants and witnesses;
- the district will attempt to prevent any retaliation; and
- the district 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 district from responding effectively to the bullying and preventing the bullying of other students.

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the DAC shall 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.

As soon as possible, but no later than two business days following receipt of a complaint, the DAC should begin an investigation of the complaint by:

- 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.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her 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.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved.

The district 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, and the student, parent/guardian, 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.

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

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

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

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The DACs will make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and the accused, within 10 days notifying them through the same medium in which the complaint was made, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint or of the need for additional time and an estimated date for completion of the investigation. The actions taken will be in conformance with the *Remediation* section of this regulation. The target shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent.

In addition, where the DAC has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent or his designee, who shall



then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

### **B. District-level Procedure**

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the DAC, the complaint shall be investigated by the Superintendent or his/her designee. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible but not later than five working days following receipt of the complaint by the Superintendent or Board President.

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

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior. No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation or a status report if additional time is needed to complete the investigation.

### **Retaliation**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

### **Remediation**

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying 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, or other activities
- Supportive intervention;

- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent 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;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to::

- Students: Discipline may range from a reprimand to suspension from school, to be imposed consistent with the Code of Conduct and applicable law.
- Employees: Discipline may range from a warning to termination, to be imposed consistent with all applicable contractual and statutory rights.
- Volunteers: Penalties may range from a warning to loss of volunteer assignment.
- Vendors: Penalties may range from a warning to loss of district business.
- Other individuals: Penalties may range from a warning to denial of future access to school property.

### **Policy Dissemination**

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. All employees shall receive information about this policy and regulation at least once a year. Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on the target and bystanders.

### **Training**

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Update: October 10, 2017

**HAMPTON BAYS UNION FREE SCHOOL DISTRICT  
STUDENT HARASSMENT AND/OR BULLYING  
COMPLAINT FORM**

**Instructions: complete the form, make a copy and submit the original to the Principal's Office.**

Name of Reporter: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Relationship to Student on whose behalf you are reporting: \_\_\_\_\_

Name of Student subjected to harassment/bullying/discrimination (target): \_\_\_\_\_

Grade of target: \_\_\_\_\_ School of target: \_\_\_\_\_

Name of suspect(s): \_\_\_\_\_ Grade of suspect(s): \_\_\_\_\_

School of suspect(s) \_\_\_\_\_ Did you witness the incident(s)?  Yes  No

List any witnesses: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Check all of the behaviors that the target has experienced:**

- |                                   |                                   |                                   |
|-----------------------------------|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Pushing  | <input type="checkbox"/> Tripping | <input type="checkbox"/> Hitting  |
| <input type="checkbox"/> Punching | <input type="checkbox"/> Slapping | <input type="checkbox"/> Kicking  |
| <input type="checkbox"/> Pinching | <input type="checkbox"/> Grabbing | <input type="checkbox"/> Spitting |

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Hurtful Teasing       | <b>Threats</b><br><input type="checkbox"/> Name Calling | <input type="checkbox"/> Insulting Remarks |
| <input type="checkbox"/> Spreading Rumors/Lies | <input type="checkbox"/> Sending Hate Notes             | <input type="checkbox"/> Hurtful Graffiti  |
| <input type="checkbox"/> Socially Rejecting    | <input type="checkbox"/> Threats                        | <input type="checkbox"/> Stalking          |
| <input type="checkbox"/> Intimidation          | <input type="checkbox"/> Cyber bullying                 | <input type="checkbox"/> Other _____       |

Add a brief description of the incident (including the date, time and place of the behavior(s). Use an additional page if necessary: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The behavior(s) are suspected of being based upon the following characteristics

(actual or perceived) of the target (check all that apply):

- Gender
- Race
- National Origin
- Disability
- Sexual Orientation
- Color
- Religious Practice
- None of the Above
- Sex
- Ethnic Group
- Weight
- Other \_\_\_\_\_

Check where the behaviors have been observed. Check all that apply.

- Auditorium
- Bathroom
- Locker Room
- Lunch Detention
- Stairway
- Unauthorized Area
- Bus
- Cafeteria
- Online
- Classroom
- Gym
- Office
- Off campus (school sponsored)
- Parking Lot
- Playground
- Recess Area
- Off campus (non school sponsored)
- Hallway
- In School Suspension
- Library
- Other \_\_\_\_\_

Signature of Person Filing Report: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR ADMINISTRATIVE USE:**

Prior instances of harassment/bullying/discrimination on the part of the suspect, along with consequences imposed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Investigation of Allegations**

- No further investigatory action required.
- Further investigation required. Person conducting investigation: \_\_\_\_\_
- Persons interviewed (attach statements or notes, if applicable):

- 1. Name: \_\_\_\_\_ Date: \_\_\_\_\_
- 2. Name: \_\_\_\_\_ Date: \_\_\_\_\_
- 3. Name: \_\_\_\_\_ Date: \_\_\_\_\_
- 4. Name: \_\_\_\_\_ Date: \_\_\_\_\_
- 5. Name: \_\_\_\_\_ Date: \_\_\_\_\_

Documents reviewed (list and describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Conclusions**

- I find that the target was the victim of harassment, bullying or discrimination.
- I find insufficient evidence to conclude that the target was the victim of harassment, bullying or discrimination.
- Due to the target’s lack of cooperation in the investigation, I do not have sufficient evidence upon which to find that harassment, bullying or discrimination occurred.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If harassment, bullying or discrimination is found, check the specific actions taken to prevent and stop the behavior(s):**

- |   |  |
|---|--|
| <input type="checkbox"/> After School Detention | <input type="checkbox"/> Mediation Adult                       |
| <input type="checkbox"/> Bus Detention          | <input type="checkbox"/> Mediation Peer                        |
| <input type="checkbox"/> Bus Suspension         | <input type="checkbox"/> Out of School Suspension (short term) |
| <input type="checkbox"/> Conference             | <input type="checkbox"/> Saturday School                       |
| <input type="checkbox"/> Detention              | <input type="checkbox"/> Social Suspensions                    |
| <input type="checkbox"/> Expulsion              | <input type="checkbox"/> Superintendent Hearing                |
| <input type="checkbox"/> Assigned Seat on Bus   | <input type="checkbox"/> Suspension of Privileges              |
| <input type="checkbox"/> In School Suspension   | <input type="checkbox"/> Warning                               |
| <input type="checkbox"/> Lunch Detention        | <input type="checkbox"/> Other _____                           |

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parent(s) of target contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Parent(s) of suspect contacted by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Summary of conversations with parent(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

**Follow Up Activities (including person[s] responsible for conducting):**

---

---

---

---

Signature of Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

## HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the district, solely on the basis of his/her status as an HIV-infected individual.

### Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

### Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and

- services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
  3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
  4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

### Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

### HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure one individual to a potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is



suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include it in the district's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Note: Policy added

Cross-ref: 5420, Student Health Services  
8123, Hygiene Precautions and Procedures

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)  
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)  
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)  
34 CFR Part 104  
29 CFR Part 1910.1030  
Executive Law §296 (Human Rights Law)  
Education Law §§903; 913  
Public Health Law, Article 27-F  
8 NYCRR §§29.1(g); 135.3; 136.3  
An Implementation Package for HIV/AIDS Policy in New York State School Districts,  
NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption date: July 7, 2009

## SCHOOL DISTRICT GOALS AND OBJECTIVES

To further its educational philosophy, the Board of Education hereby establishes the following goals and objectives:

1. to employ the best possible school staff, including both professional and support personnel;
2. to encourage the development of meaningful, interpersonal relationships among the students, the staff and members of the community;
3. to ensure that staff, students, and parents are afforded opportunities for meaningful participation in the development and evaluation of programs and policies;
4. to strive for maximum efficiency in the use of district resources to meet the goals and objectives of the various programs and services;
5. to encourage all students to:
  - a. develop skills in reading, writing, speaking, listening, and mathematics by developing skills in oral and written English to help communicate ideas effectively;
  - b. learn how to examine and use information by using scientific methods and logical reasoning;
  - c. develop a desire for learning now and in the future by encouraging intellectual curiosity and eagerness for lifelong learning;
  - d. develop good character and self-respect by encouraging development of standards of personal character and ideas;
  - e. develop pride in student's achievements and progress and a feeling of self-worth;
  - f. develop skills to enter a specific field of work and gain information needed to make a job selections by developing an awareness of opportunities and requirements; and
6. to promote the development of a true "community school" in services to the adult community.

Adoption date: July 7, 2009

**SCHOOL DISTRICT GOALS FOR INSTRUCTIONAL PROGRAM**

The Board of Education establishes the following goals for the instructional program:

1. to install in students basic skills as well as the knowledge, attitudes and habits that will allow them to adopt, adapt and utilize these skills in the ever-changing environment;
2. to provide an education program that challenges each student yet minimizes failure and encourages success;
3. to develop an educational program that is comprehensive and involves input from all groups within the school community, especially administrators, staff, parents and students; and
4. to create a learning process that emphasizes human worth and incorporates real and relevant experiences that students may identify with and learn from easily.

Adoption Date: July 7, 2009

## ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all district conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to improve the effectiveness of the district's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the district, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate the Board's performance in accordance with policy 0310, Board Self-Evaluation.
4. Evaluate progress toward the achievement of district long- and short-term goals and ensure that board policies and resources effectively support the district vision.
5. Provide appropriate staff and board training opportunities.
6. Fulfill governance responsibilities are required by state and federal law.

The Board acknowledges that publicizing the district's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis through the District website, newsletters and monthly Board meetings.

Cross-ref:      0000 Mission Statement and Vision  
                     0200 District Goals  
                     0310 Board Self-Evaluation  
                     0320 Evaluation of the Superintendent  
                     1000 Community Relations Goals

Adoption Date:      July 7, 2009

## **BOARD SELF-EVALUATION**

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall review the effectiveness of its internal operations at least once annually. The Superintendent of Schools and others who work regularly with the Board shall be asked to participate in this review and to suggest ways by which the Board can improve its functioning as a deliberative and legislative body.

This self-evaluation shall be positive, frank and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The evaluation should include a discussion of strengths as well as weaknesses and each judgment should be supported by as much rational and objective evidence as possible. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

The Board shall use a self-evaluation questionnaire.

Adoption date:        July 7, 2009

## EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the Superintendent of Schools' performance. The Board also recognizes the Superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the Superintendent is evaluated annually as required by Commissioner's regulations.

The purposes of the evaluation shall be to:

1. Gauge the district's progress toward the goals the Board has charged the Superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the Superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the Superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the Superintendent each year as well as the duties and competencies specified in the Superintendent's job description.

The form the Board uses for evaluating the Superintendent shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption Date: July 7, 2009

## EVALUATION OF PROFESSIONAL STAFF

The purposes of professional staff evaluations are to enrich and develop effective classroom teaching. After each evaluation is made, a full written report will be submitted to the Superintendent of Schools. A conference will also be held with the teacher at which the teacher will receive a copy of the written evaluation.

The purposes of evaluation reports are:

1. to improve the instructional program;
2. to assist the classroom teacher in improving and upgrading teaching performance; and
3. to assist the Superintendent in properly evaluating employees.

The procedures and guidelines for formal observations and evaluations of teachers shall be those agreed to with the employee organization representing the teaching staff and set forth in the collective bargaining agreement.

Adoption Date: July 7, 2009

## EVALUATION OF SUPPORT STAFF

The Board of Education believes that the evaluation of support staff is an essential component of supervision and decision-making regarding staff promotions and retention. The Board therefore directs the Superintendent of Schools to develop standards and procedures for the evaluation of all support staff.

All service personnel will undergo such evaluation in cooperation with his/her immediate supervisor on an annual basis.

The purposes of support staff evaluations are to:

1. provide an objective basis for employee improvement;
2. maintain salaries commensurate with job requirements and responsibilities; and
3. recognize qualified employees.

If requested by the Civil Service Department, the district will keep and report performance ratings of civil service employees prior to making a permanent appointment. For those support staff members who are members of a collective bargaining unit, permanent appointments will be made as per negotiated agreement.

Adoption Date: July 7, 2009