

STUDENT 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 harassment, hazing and bullying is detrimental to student learning and achievement. It interferes with the mission of the district to educate its students and disrupts 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 harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district but that materially and substantially disrupt the educational process of the school environment or impinge on the rights of others.

Definitions

For purposes of this policy, the term “harassment” is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (identity or expression).

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy, 0100, Equal Opportunity and Nondiscrimination and 0110, Sexual Harassment.

For the purposes of this policy, “bullying” (which is subsumed under the term “harassment”), 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 is characterized by:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over a target.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and the target believe the bullying will continue.

4. **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 three kinds of bullying: verbal, physical and psychological/social/relational.

- Verbal bullying includes, but is not limited to, name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, threatening electronic communications, anonymous notes, etc.
- Physical bullying includes, but is 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, psychological or relational bullying includes, but is not limited to, 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.

In the remainder of this policy and associated regulation the term “bullying” will be used to refer to harassing or hazing behaviors because that is the term most commonly used by students and parents.

Cyberbullying

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs).

Cyberbullying has the effect of:

1. Physically, emotionally or mentally harming a student;
2. Placing a student in reasonable fear of physical, emotional or mental harm;
3. Placing a student in reasonable fear of damage to or loss of personal property; and

4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

Also, cyberbullying that occurs off-campus, that causes or threatens to cause a material or substantial disruption in the school, could allow school officials to apply the "*Tinker* standard" where a student's off-campus "speech" may be subject to formal discipline by school officials when it is determined that the off-campus speech did cause a substantial disruption or threat thereof within the school setting [*Tinker v. Des Moines Indep. Sch. Dist.* 393 U.S. 503 (1969)]. Such conduct could also be subject to appropriate disciplinary action in accordance with the *District Code of Conduct* and possible referral to law enforcement authorities.

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. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeteria and playground.
- Raising parental awareness and involvement in addressing problems.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

In order to implement this program the Superintendent will establish a district-wide Safety Team on Bullying Prevention, as well as Safety Committees in each school. The district-wide team and the school-level committees will assist the administration in developing and implementing specific procedures on early identification of bullying and other preventive strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

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. In addition, intervention will focus upon the safety of the target/victim. Staff is expected, when made 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 and the district Professional Development Team will incorporate training to support this program in 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. In accordance with state law, the Superintendent shall ensure that at least one staff member is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex.

Reporting and Investigation

Students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior are encouraged to make a verbal and/or written complaint to a teacher, coach, bus driver, social worker, counselor, supervisor, or administrator in accordance with the training and guidelines provided. 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 the district's Code of Conduct. Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system, when applicable.

Disciplinary Consequences

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. Offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, 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.

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 and Review

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.

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. If changes are needed, revisions will be recommended to the Board for its consideration.

In addition, the Board will receive the annual VADIR data report for each building and for the district as whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
0110, Sexual Harassment
5300, Code of Conduct

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
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)

Adoption date:

**STUDENT BULLYING PREVENTION AND INTERVENTION
REGULATION**

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of bullying report such behavior immediately to the supervisor or the building administrator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will promptly investigate all complaints, either 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 harassment, hazing, 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 victim'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 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 either policy 0100 or 0110 will be followed, as applicable.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of 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 need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, 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:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. 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 supervisor or building administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than *three working days* following receipt of a complaint, the supervisor or building administrator should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(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 and that the individual may be subject to discipline.

Parents of student victims 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 victim;
- 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 supervisor or the building administrator shall report back to both the victim and the accused, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim 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, the complaint shall be referred promptly to the Superintendent. In addition, where the supervisor or the building administrator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation by the supervisor or the building administrator 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 resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a supervisor or the building administrator. 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 individual for investigation.

The district level investigation should begin as soon as possible ***but not later than three 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 investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

HUDSON CITY SCHOOL DISTRICT

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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 victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Retaliation Prohibited

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.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying 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.

Training

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year. 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.

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 the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, in curriculum and will be considered in the budget process.

Adoption date:

