

**The UFT Charter School**

# **Dignity for All Students Act**

**Discrimination, Harassment, and Bullying:**

**Intervention and Prevention Policy**

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## INTRODUCTION

In response to the enactment of the Dignity for All Students Act (DASA), signed into law by Governor Paterson on September 8, 2010, and the U.S. Department of Education (USDE) Office for Civil Rights' (OCR) issuance of the Dear Colleague Letter regarding harassment and bullying (October 26, 2010), the following policy guidelines were developed to assist The UFT Charter School in the implementation of the Dignity Act.

Since the Dignity Act becomes effective on July 1, 2012, it is necessary to integrate how civil rights protections and complaint procedures fit in with policies and procedures; and discrimination, harassment, and bullying prevention and intervention programs.

Please be aware that the Dignity Act does not alter any existing anti-discrimination obligations under federal civil rights law, such as Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, and their respective implementing regulations.(e.g., Titles II, VI, IX, Section 504).

The board of trustees of The UFT Charter School is committed to providing an educational environment that promotes respect, dignity, and equality. The board recognizes that acts of discrimination and harassment, including bullying, taunting, or intimidation, are detrimental to student learning and achievement. These behaviors interfere with the mission of The UFT Charter School to educate its students to achieve academic and personal excellence, and meaningful lives as full democratic citizens in a free society. Such behavior affects not only the students who are its targets, but also those individuals who participate in, and witness such acts.

To this end, the board condemns and strictly prohibits all forms of discrimination and harassment, including bullying, taunting or intimidation, against students by students and/or employees on school property, which also includes (among other things) school buses. It also includes students participating in school functions, field trips, and extra-curricular activities even if not on school property. Harassment can also include, among other things, the use, both on and off school property, of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, to deliberately harass or threaten others. This type of harassment is generally referred to as cyberbullying. Although the Dignity Act does not specifically address cyberbullying, it is considered a form of harassment, like bullying. While the Dignity Act applies to the above-referenced conduct on school property or at a school function, it should be noted that The UFT Charter School may discipline students for off-school-property/off-school-campus conduct under certain circumstances.

## DEFINITIONS

### **Harassment**

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and develops its policy to comply with them. It is also the Board's goal, in developing this policy, to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability.

The Dignity Act (Education Law §11) defines harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably cause or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, includes; but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived:

Race  
 Color  
 Weight  
 National Origin  
 Ethnic Group  
 Religion  
 Religious Practice  
 Disability  
 Sex  
 Sexual Orientation  
 Gender (which includes a person's actual or perceived sex)

### **Bullying**

Bullying has been described by the United States Department of Education (USDE) as unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying can occur before and after school hours, in a school building or places like a playground or bus, while a child is traveling to or from school or on the Internet. Children who are bullied and those who bully others could have serious, lasting problems. Additionally, according to the USDE, bullying generally involves the following characteristics:

- ◆ An Imbalance of Power: Children who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- ◆ The Intent to Cause Harm: The person bullying has a goal of causing harm.
- ◆ Repetition: Bullying behaviors generally happen more than once or have the potential to happen more than once.

Examples of bullying include, but are not limited to:

- ◆ Verbal: Name-calling, teasing, inappropriate sexual comments, taunting, and threatening to cause harm.
- ◆ Social: Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone, and embarrassing someone in public.
- ◆ Physical: Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's things, and making mean or rude hand gestures.

## **Hazing**

The Penal Law defines hazing as a person intentionally or recklessly engaging in conduct during the course of another person's initiation into or affiliation with any organization, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury (Penal Law §120.16).

Under the Penal Law, it is also considered hazing, even when physical injury does not occur, if a person intentionally or recklessly engaged in conduct during the course of another person's initiation into or affiliation with any organization, which created a substantial risk of physical injury to such other person or a third person (Penal Law §120.17).

## **Discrimination**

Discrimination is not specifically defined in the Dignity Act. However, for reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, or and gender.

## **Prevention**

A program geared to prevention is designed to decrease incidents of discrimination, harassment, bullying, taunting or intimidation before they occur; and help students build more supportive and productive relationships with one another. Learning about and identifying the early warning signs and precursor behaviors that can lead to discrimination, harassment, bullying, taunting or intimidation is a form of prevention.

## **Intervention**

A program geared to addressing discrimination, harassment, bullying, taunting or intimidation once it has occurred. The student Code of Conduct and counseling are forms of intervention.

## PREVENTION

Each campus of the UFT Charter School will assign a Dignity Act Coordinator and will display the names of the coordinators prominently so that all students, parents and staff can see who the Dignity Act Coordinator for each school is. This information will also be posted on the school website along with this policy and the Student Code of Conduct. The Dignity Act Coordinators will have this policy and the student Code of Conduct available so that any student, parent or staff member can request to see them at all times.

In order to implement this program a school-wide Task Force on Discrimination, Harassment and Bullying Prevention and Intervention will be convened. The task force will be composed by the two Dignity Act Coordinators, a teacher from each campus, a school aide from each campus, a student from each campus, a parent from each campus, a Dean of Students from each campus, and a representative from administration. The Task Force shall meet separately by campus or jointly as necessary.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key value of The UFT Charter School. The UFT Charter School provides Classroom Guidance once a month in each classroom provided by the school counselors. C.R.E.S.T. Values instruction and character education incorporated into daily teaching by teachers are programs not only geared to the prevention of incidents of discrimination, harassment, bullying, taunting or intimidation, but also to help students build more supportive relationships with one another by integrating the prevention and intervention program into classroom instruction. Curriculum will emphasize empathy, tolerance, and respect for others. Character Education is also incorporated into Morning Gathering and the school-wide Town Hall meetings.

Learning about and identifying the early warning signs and precursor behaviors that can lead to discrimination, harassment, bullying, taunting or intimidation are also important lessons for Staff members. Mandated professional development for staff members will be provided once a year to ensure knowledge of the Dignity for All Students Act and to help staff members become sensitized to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention of such acts before they occur. The Dignity for All Students Act will be explained at Summer Institute on a yearly basis.

The UFT Charter School will also continue gathering information about discrimination, harassment, bullying, taunting and intimidation on school property or at school functions. The school counselors will commence to gather information directly from students through surveys at least once a year. This information will be shared with school staff. The Guidance Department will be analyzing and using the data gathered to assist in decision-making about programming and resources.

Special clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation will be posted prominently so all students can see.

Special training will be provided yearly to school aides that are entrusted in providing adequate supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias, and playgrounds.

Parental awareness will be raised by providing an overview of this policy to parents once a year.

## REPORTING AND INVESTIGATION

Students who have been subjected to discrimination or harassment, parents whose children have been subjected to such behavior or other students or staff who observe such behavior, are encouraged and expected to make verbal or written complaints to the DASA Coordinator, school counselors or Deans of Students. Once a verbal complaint is made the DASA Coordinator, school counselors or Deans of Students will assist the reporter in filling out the appropriate complaint form. Each campus will make available a Bullying Complaint Form and a DASA Complaint Form (See attachments A and B). It will be the duty of the school counselors to investigate the complaints and make recommendations to the Principal and Dean of Students of each respective school. The counselors will also make recommendations about whether the intervention should be counseling or consequences using disciplinary rules and procedures, or, if applicable, in its Code of Conduct. At all times, complaints will be documented, tracked and handled in accordance with the procedures accompanying the forms attached to this policy. If a staff person is unsure of the reporting procedure, he or she is expected to inquire about how to proceed by speaking with the DA Coordinator.

There shall be a duty for all school personnel to report incidents of student-to-student and/or staff-to-student discrimination, harassment and bullying that they observe on school property or at school functions to their building DA coordinator. In addition, there shall be a further duty for all school personnel to report any incidents of student-to-student and/or staff-to-student discrimination, harassment and bullying of which they are made aware by students, staff, or persons in parental relation to their building DA coordinator. DA coordinators will inform the principals or designated administrator before the end of the day in which receive the complaint.

The results of investigations shall be reported to both the targeted student and the alleged offender, as well as their respective parents or guardians, in accordance with the policy of the UFT Charter School, its disciplinary rules and procedures, or, if applicable, in its Code of Conduct. Local policies should be followed regarding communicating the results of the investigation. If either party and/or their respective parents or guardians disagrees with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

### Investigating And Responding To Allegations Of Staff-To-Student Harassment And/Or Discrimination

In the case of a report of alleged staff-to-student harassment and/or discrimination, the reporting, investigation, and response must follow all applicable UFT Charter School policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct. The DASA coordinators will turn reports of alleged staff-to-student harassment and/or discrimination, over to the principals for investigation.

## DISCIPLINARY CONSEQUENCES/REMEDIATION

While the primary focus of this policy is on prevention, acts of discrimination, harassment and bullying may still occur. When such acts occur, student offenders will be given the clear message that their actions are inappropriate and will not be tolerated because they are inconsistent with the concepts of tolerance and respect for others and the fostering of community in the UFT Charter School in order to provide a safe and supportive school environment for all students. Student offenders will receive in-

school guidance on making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the Dean of Students in accordance with the Code of Conduct. The student's history of problem behaviors will be important in deciding the consequences the UFT Charter School will provide.

#### PROVISIONS FOR STUDENTS WHO DO NOT FEEL SAFE AT SCHOOL

Remedial responses to discrimination or harassment, including bullying, taunting, or intimidation, will require staff intervention. Remediation will target to the individual(s) involved in the aforementioned behaviors.

Intervention will focus upon the safety of the targeted student, and on the issues that may cause someone to engage in behaviors that violate the spirit of the Dignity Act. When aware of incidents of discrimination, harassment or bullying, as well as intimidation or taunting, staff is expected to intervene in accordance with this policy and only after this should they assess whether it is necessary to refer the student to counseling and/or the Dean of Students. The UFT Charter School recognizes that there is a need to balance accommodations that enhance student safety against the potential of stigmatizing the targeted student.

#### NON-RETALIATION

Any person having reasonable cause to suspect that a student has been subjected to discrimination or harassment by a student and/or an employee, on school grounds or at school functions, who, acting reasonably and in good faith, either reports such information to school officials, to the Board of Trustees or to law enforcement authorities or otherwise initiates, testifies, participates or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from the making of such a report or from initiating, testifying, participating or assisting in such formal or informal proceedings. The UFT Charter School campuses and their respective employees are prohibited from taking, requesting or causing a retaliatory action against any such person, who, acting reasonably and in good faith, either makes such a report.

#### TRAINING

In compliance with Education Law §13(3), the DASA coordinator for each campus will receive training in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex.

All staff shall be trained during Summer Institute each year on the provisions of the DASA and on human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes a person's actual or perceived sex, and gender identity and expression), and sex.

DISSEMINATION, MONITORING, REVIEW, AND REPORTING

Pursuant to Section 100.2(l)(b)(1) of Commissioner's Regulations, the UFT Charter School must post their complete Code of Conduct and any updates on their website.

In addition, the Board will receive the annual VADIR report, as well as other relevant data, for the school with particular attention to the trends in incidents of discrimination, harassment and 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.

The UFT Charter School Board of Trustees

Adoption date: Date Pending