

Charter School for Applied Technologies Student Harassment and Bullying Prevention and Intervention Regulation

The Board of Trustees 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.

Definitions

Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to 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 and Bullying

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board of Trustees 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, including cyberbullying, that has or would have the effect of unreasonably and substantially interfering with a student's education performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- race,
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression)
 - 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

Hazing is an induction 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.

Emotional Harm

Means harm through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Material Incident of Discrimination and/or Harassment

Means a single verified incident or a series of verified related incidents where a student is subjected to discrimination and/or harassment by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by verbal threats, intimidation or abuse, of such severe or pervasive nature that:

- a. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities, or benefits, or mental or emotional and/or physical well-being; or
- b. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Prevention

Prevention is the cornerstone of the Charter School for Applied Technologies effort to address bullying and harassment. The components of such an effort involve the following:

- Following the principles and practices of "Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011." Charter School for Applied Technologies will emphasize developing empathy, tolerance and respect for others.
- 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 (through surveys and other mechanisms); analyzing and using data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the CSAT Student Code of Conduct.
- Establishing clear school wide and classroom rules about bullying consistent with the Charter School for Applied Technologies Student Code of Conduct.
- Training staff in the school community to respond sensitively and consistently to bullying.

- Raising awareness through training, of the school experiences of marginalized student populations (as enumerated in Definitions section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying, intimidation, harassment or other forms of violence.
- Providing adequate supervision, particularly in less structure areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention of harassment
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

Role of the Dignity Act Coordinator (DAC)

The Board of Trustees will annually designate a certified staff member in each school building, 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 Dignity Act Coordinator (DAC), accountable for implementation of this policy. CSAT will share the name and contact information of the DACs with all school personnel, students and parents. The DAC will be responsible for coordinating and enforcing this policy regulation in each school building, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

Reporting and Investigating

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and witnesses of bullying report such behavior immediately **to any adult in the school community and they in turn to the principal, the principal's designee or the Dignity Act Coordinator** no later than one (1) school day after the incident so that it may be effectively investigated and resolved. Adults/employees must then file a written report within two (2) school days of the oral report of the incident. The Charter School for Applied Technologies will also make a bullying complaint form available on its website to facilitate reporting. CSAT will collect relevant data from written and verbal complaints to allow reporting to the Board on an annual basis. The Principal of each school building shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and the Board.

CSAT 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, CSAT finds that a student, an employee or a third party has violated this policy, prompt corrective and possible disciplinary action will be taken in accordance with the Student Code of Conduct, applicable collective bargaining agreement 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 process described below.

Confidentiality

It is the Charter School for Applied Technologies policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, CSAT 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 CSAT'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, CSAT 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 CSAT's ability to respond to his/her complaint;
2. CSAT policy and federal law prohibit retaliation against complainants and witnesses;
3. CSAT will attempt to prevent any retaliation; and
4. CSAT 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 CSAT from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. DAC Procedure (*Building-Level*)

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 **principal, the principal's designee or the Dignity Act Coordinator** shall make all reasonable efforts to resolve complaints informally at the school level. While every report or allegation will be documented, the goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target and obtain prompt and equitable resolution to a complaint.

As soon as possible, but no later than three working days following receipt of a complaint, the **principal, the principal's designee** or the **Dignity Act Coordinator** 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. Accommodations may include, but are not limited to on a case-by-case basis.

The Charter School for Applied Technologies 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 two school days of allegations that are repeated or could result in disciplinary action. 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 CSAT 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 and progressive disciplinary action shall be recommended and imposed in accordance with CSAT policy, the applicable collective bargaining agreement or state law. CSAT should make every effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both the target and accused, within **one week (5 school days)** 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 actions taken will be in conformance with the *Remediation/Discipline/Penalties* 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 of allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent.

The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the **principal, the principal's designee, or the Dignity Act Coordinator** 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, if appropriate, law enforcement authorities.

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

B. Superintendent 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 that 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 Superintendent 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 Superintendent level investigation, CSAT will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a Superintendent level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

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. 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.

C. Board Procedure

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 of Trustees.

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.

The Board shall render a decision in writing within 15 days after the hearing has been concluded.

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.

Remediation/Discipline/Penalties

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;
- Supportive intervention;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Referral to 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 the following:

Students: Discipline may range from a reprimand up to and including permanent suspension from school, to be imposed consistent with the Student Code of Conduct 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 Charter School for Applied Technologies business.

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

Policy Dissemination

All students and employees shall be informed of this policy in student and employee handbooks, and on the CSAT website.

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 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 CSAT annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. Training will be provided each school year for all CSAT employees to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or could create a risk of substantial disruption within the school environment or where it is possible that the conduct might reach school property. The DAC, administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigation and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.