



# KINGSTON

CITY SCHOOL DISTRICT

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We Inspire. We Educate. We Graduate.  
*All Students, All of the Time*



The  
**Dignity For All  
Students  
Act**

## The Dignity for All Students Act

*The Dignity Act prohibits acts of harassment and bullying, including cyberbullying, and/or discrimination, by employees or students on school property or at a school function, including but not limited to such conduct those based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), or sex (Education Law §12[1]). Cyberbullying is defined as harassment or bullying which takes place through any form of electronic communication (Education Law §11[8]).*

Legislative Intent: "... To afford all students in public schools an environment free of discrimination and harassment. The purpose of this ... is to foster civility in public schools and to prevent and prohibit conduct which is inconsistent with a school's educational mission." NYS Dignity for All Students Act (DASA) Ed. Law Article 2 Section 10

The Board of Education, as reflected in KCS D Policy 5320, is committed to providing an educational 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 disrupts the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate in and/or witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events as described in this policy. The Board also prohibits discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, including cyberbullying, which 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.

### **Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying) is defined as:**

1. A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.
2. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex. Commissioner's regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either:
  - a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or
  - b. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act 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. For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

3. Bullying is defined as a form of unwanted, aggressive behavior that involves a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.
4. Imbalance of power: An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
5. Repetition: Bullying typically repeated, occurring more than once or having the potential to occur more than once.
6. Intent to Harm: The person bullying has the goal to cause harm. Bullying is not accidental.
7. Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational 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, and sex.

**Cyberbullying** is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.(See definition of harassment or bullying as defined in 5a. and Commissioner’s regulation 100.2(kk)(1)(viii))

#### **Bias-Related Terms:**

1. Biased-related conduct: conduct that is motivated by a victim’s race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
2. Race: the groups to which individuals belong, identify with, or belong in the eyes of the community.
3. Ethnic Group (Ethnicity): an affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.
4. National origin: is an individual’s country of birth, country of origin, or the country of origin of an individual's family or spouse.
5. Religion: religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
6. Religious Practices: religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
7. Disability: means
  - a. a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or

- b. a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law §11[3] and Executive Law §292[21]).
8. Gender: means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).6
  9. Sexual Orientation: means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
  10. Sex: is the biological and physiological characteristics that define men and women.
  11. Other: can include, but is not limited to, physical characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

### **INVESTIGATION**

The goal is to end bullying, harassment and intimidation, prevent future incidents, ensure the safety of the student(s) targeted and obtain prompt, equitable resolution to a complaint.

#### Procedure

If an incident of bullying or harassment is reported:

The DASA Coordinator will:

- Accept an oral report filed by the employee within one school day of the incident.
- Accept a written report filed by the employee. This report must be reported, no later than 2 school days after making the oral report. The investigation must occur promptly thereafter.
- The DASA Coordinator will interview the victim, witnesses, and alleged offender to determine whether or not the incident meets the criteria of a material incident.
- If it does meet the criteria, the information must be documented on the KSCD Incident Reporting Form and forwarded to administration to further investigate whether or not the claim is verified or not. If it does not meet the criteria, the information must be documented on the KSCD Incident Reporting Form and forwarded to administration to further investigate, whether or not, the claim violated the code of conduct.

An administrator will:

- Lead the Investigation
- Use a team approach that is best; school resource officer and mental health professional
- Use calm problem solving techniques, and an inquiry-based approach to find out: – What exactly was said and done (save evidence) – Motive/intent (anger, misguided joke, threat of harm to safety) – Relationship and past history (one time occurrence or repeated) – Impact or perceived impact on school functioning
- Interview the target/victim of the incident first; separately and away from the alleged offender
- Interview any witnesses, including students, teachers and staff
- Obtain any other objective evidence from recording devices or, in the case of cyberbullying, copies of tweets, emails, Facebook pages, etc.
- Complete KCS DASA Incident Reporting Form based upon investigation as promptly as possible

- Administration will report back to all parties the outcome of the investigation and the action taken to resolve the complaint.
  - In some cases a parent conference will be held.
  - All plans of support for the bully or victim(s) will be documented on the KCSD DASA Incident Reporting Form.
  - The situation will be informally followed-up a few weeks after the resolution.
  - A report will be appropriately documented as per New York State Education requirements.
- Contact law enforcement if behavior is believed to constitute criminal conduct
- The school administrator must keep the original the KCSD DASA Incident Reporting Form on file until the youngest person involved in the incident is 27 years old.
- A **copy** of the KCSD DASA Incident Reporting Form must be sent to The Assistant Superintendent for Special Education for review.

### **Confidentiality**

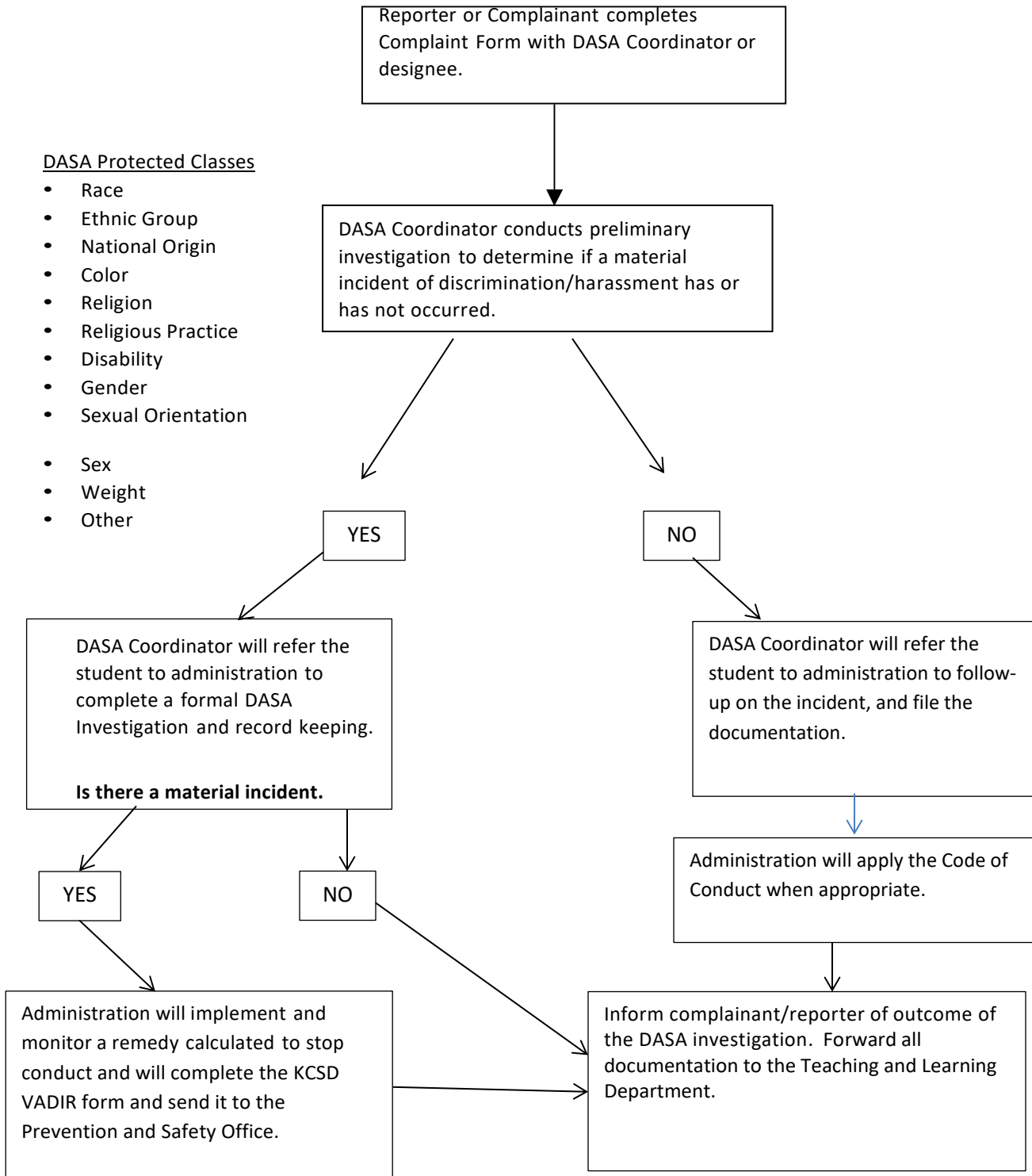
It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do 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.

# Kingston City School District

## Dignity for All Students Act – Complaint Management Process

DASA Protected Classes

- Race
- Ethnic Group
- National Origin
- Color
- Religion
- Religious Practice
- Disability
- Gender
- Sexual Orientation
  
- Sex
- Weight
- Other



**Copies of all incident reports will be maintained in the Teaching and Learning Department**

