

Cairo-Durham Central School District

Office of the Superintendent

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Anthony Taibi

Acting Superintendent of Schools
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August 14, 2014

TO: Middle/High School Students

RE: Cairo-Durham Central School District Policy 5020.1 – *The Dignity for All Students Act Policy*

I am writing to inform you that the Board of Education adopted a Policy which prohibits discrimination and harassment by any student or employee. This Policy confirms the District's long-standing practice of prohibiting all forms of unlawful discrimination in the school. The Policy also provides a simple and clear complaint procedure for any student who feels that he or she has been subjected to harassment or discriminatory conduct while at school.

If you have any questions about the Policy or sincerely believe that you have been the victim of conduct prohibited by the Policy, I encourage you to seek out the District's Compliance Officer, Lorraine Colistra at the Middle/High School, speak to a Building Principal, Nathan Farrell at the Middle School or Matthew Ward at the High School, or contact my office. Complete copies of the Policy are available from the office of any Building Principal, the Compliance Officer, and District Library or the Policy Book located in our local library.

Sincerely yours,



Anthony Taibi
Acting Superintendent of Schools

Enclosure

Cairo-Durham Policy 5020.1
The Dignity for All Students Act Policy

THE DIGNITY FOR ALL STUDENTS ACT POLICY
THE BOARD OF EDUCATION OF THE CAIRO-DURHAM CENTRAL SCHOOL
DISTRICT

It is the Policy of The Board of Education of the Cairo Central School District (the Board) to extend to all of our students a welcoming school environment regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender by promoting throughout our School District principles of respect, dignity, and equality. The Board recognizes that a safe and supportive environment is central to its mission to offer and promote for all students opportunities for learning and educational achievement.

To this end, the Board prohibits all forms of discrimination and harassment, including bullying, taunting, cyberbullying or intimidation, against students by students and/or employees on school property, which includes (among other things) school buses, at any school function, this includes school-sponsored, extra-curricular events or activities and the use of information technology, including, but not limited to, email, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media websites, whether used on or off school grounds when used to harass or threaten any student enrolled in our district schools.

I. Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s) by the Board of Education. The Dignity Act Coordinator (DAC) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity and/or expression) and sex. The Board shall appoint a DAC who is employed by the District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/supervisor or Superintendent of Schools.

The District must share the name(s) and contact information of the Dignity Act Coordinator(s) with all school personnel, students and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated contact information and school by:

1. Listing such information in the Code of Conduct and updates posted on the District website; and
2. Including the contact name and information in the plain language summary of the Code of Conduct provided to all parents/persons in parental relation to students before the beginning of each school year; and
3. Providing information to parents/persons in parental relationship through a district or school mailing or other method of distribution including (but not limited to) electronic

- communication and/or sending information home to the student, along with updates (as applicable) in at least one subsequent mailing/communication or other method of distribution as soon as practicable thereafter;
- 4. Posting the information in highly visible areas of the school buildings; and
- 5. Making the information available at the District administrative office and school-level administrative offices.

If a Dignity Act Coordinator vacates their position, another eligible individual shall be immediately designated for an interim appointment to serve as DAC, pending approval from the Board within thirty days of the date the position was vacated. In the event that a DAC is unable to perform the duties of the position for an extended period of time, another eligible individual will be immediately designated as interim DAC, pending the return of the previous DAC to the position. The District will provide updates on the name and contact information for a DAC to parents/persons in parental relationship as soon as practicable thereafter. A change in the name or contact information for the DAC will not constitute a revision of the Code of Conduct that requires a public hearing to amend.

II. DEFINITIONS

School property

Means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law.

School function

Means a school-sponsored extra-curricular event or activity.

Disability

Means disability as defined in subdivision twenty-one of section two hundred ninety-two of the Executive Law.

Employee

Means employee as defined in subdivision three of section eleven hundred twenty-five of the Education Law.

Sexual orientation

Means actual or perceived heterosexuality, homosexuality or bisexuality.

Gender

Means actual or perceived sex and shall include a person's gender identity or expression.

Discrimination

Discrimination involves the denial of any right or benefit available to others, including the denial of access to any facility, program, activity for which the person is otherwise qualified, or event

due to a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender.

Harassment or Bullying

The creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying as defined in Education Law section 11(8); which is based upon a persons' actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including identity and expression) or sex 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 wellbeing; including conduct, threats intimidation or abuse that reasonably causes or would be reasonably 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 their physical safety; or

This definition includes acts of harassment or bullying that occur:

- 1. On school property, as defined in section 100.2(kk)(1)(i) of this part; and/or
- 2. At a school function, as defined in section 100.2(kk)(1)(ii) of this part; or
- 3. Off school property where such acts create 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 term threats, intimidation or abuse includes verbal and non-verbal action.

Hostile Environment

As used to in the definition of harassment and bullying refers to an environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Emotional Harm

As used in the definition of harassment and bullying shall mean harm to a student's emotional well-being through the creation of a hostile school environment that is so severe and pervasive as to unreasonably and substantially interfere with a student's education.

Hazing

Intentional or reckless conduct used during the course of another person's initiation into or affiliation with any organization that creates a substantial risk of physical injury to such other person or a third person whether or not it results in physical injury.

Material Incident of Harassment, Bullying and/or Discrimination

Means a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination based on a persons' actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; by a student and/or employee on school property or at a school function. This term also includes a verified incident or series of related incidents of harassment or bullying that occur off school property 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 and is the subject of a written or oral complaint to the superintendent, principal, or their designee or other school employee. Nothing herein shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law section 3021(a) or 2854(2)(1) and Title IX of the Education Amendments of 1972 (20 USC Section 1681 et seq.) or to prohibit, as discrimination based on disability, actions that would be permissible under Section 504 of the Rehabilitation Act of 1973.

III. PREVENTION

Our public schools provide opportunities each and every day to teach our children the importance of cooperation and respect. In order to prevent the occurrence of bullying, harassment or discrimination in our schools, the District shall:

- Integrate preventive programs into classroom instruction;
- Provide annual professional development and instruction to all staff and volunteers regarding:
 - Early warning signs;
 - Responsibilities in the prevention of such acts;
- Gather information about discrimination, harassment, bullying, taunting or intimidation on school property or at school functions directly from students (through surveys and other mechanisms);
- Analyze and use the data gathered to assist in decision-making about programming and resource allocation;
- Establish clear school-wide and classroom rules about discrimination, harassment, bullying, taunting or intimidation through the code of conduct;
- Train adults in the school community to respond sensitively and consistently to discrimination, harassment, bullying, taunting or intimidation;
- Raise awareness among school staff, through training, of the school experiences of student populations specified in the Dignity for All Students Act, including but not limited to; students of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender or gender expression, and sex; social stigma in the school environment, gender norms in the school environment, and strategies for preventing and responding to discrimination, harassment, bullying, taunting or intimidation and/or other forms of anti-social and/or violent behavior;

- Provide supervision, particularly in less structured areas, including, but not limited to, hallways, cafeterias, school buses and playgrounds;
- Raise parental awareness and involvement in discrimination, harassment, bullying, taunting or intimidation prevention and intervention;
- Provide examples of positive age appropriate behaviors;
- Institute policies and practices to maintain a positive school climate;
- Use educational opportunities and/or curricula, including, if applicable, a student's Individual Educational Program (IEP), to address the underlying causes and effects of discrimination, harassment, bullying, taunting or intimidation.

IV. Appointment of the Dignity Act Coordinator: (DAC)

The Board appoints Lorraine Colistra to serve as the District Wide Dignity Act Coordinator; Scott Richards, Principal and Diana Johnson, School Psychologist as the Dignity Act Coordinators for the Cairo-Durham Elementary School; Tom Baumgartner, Principal and Stephanie Hotaling, School Counselor as Dignity Act Coordinators for the Cairo-Durham Intermediate School. Nathan Farrell, Principal; Matthew Ward, Assistant Principal; and Kristina Westfall, Guidance Counselor as Dignity Act Coordinators for the Cairo-Durham Middle School. Anthony Taibi, Principal; Matthew Ward, Assistant Principal; Justin Karker, Guidance Counselor; Kendall Fritze, Guidance Counselor; Karen Drossel, Social Worker; and Claire Fisher, School Psychologist as Dignity Act Coordinators for the Cairo-Durham High School.

The name and contact information for the DAC shall be shared with school personnel, parents and students by:

- Posting on the District's website and in highly visible areas in school buildings and administrative offices;
- Including it in the plain language summary of the District's Code of Conduct which shall be mailed to each parent or person in parental relationship to the student prior to the start of the school year and provided to the student;
- Providing it to parents at least once a year, and again if the DASA Coordinator is replaced, by mail or other means of distribution.

V. Appointment and Duties of The Chief DASA Investigator

The Board appoints **Mary L. Fassett, Superintendent of Schools** who shall designate an employee to receive reports of harassment, bullying and discrimination.

The Chief DASA Investigator shall oversee the investigation and implementation of appropriate interventions in response to harassment, bullying and discrimination as defined herein.

VI. Annual Staff Training

The Board recognizes the importance of professional development in the full implementation of this Policy and directs the Superintendent and designated individuals to incorporate training on this policy into all new teacher orientations and in its annual professional development plan. Such training shall involve all staff and volunteers including, but not limited to, bus drivers, cafeteria staff and hall monitors, and all other staff or contract consultants who have contact with our students.

Such training shall be designed to promote a positive school environment free from discrimination, harassment, bullying and cyberbullying and to discourage and respond to any incidents involving harassment or discrimination on school grounds or at a school function, and cyberbullying whether it occurs on or off school grounds. Such training shall be designed to:

- 1) Raise the awareness and sensitivity to potential acts of harassment, bullying and discrimination as defined herein by addressing:
 - Its social patterns;
 - The identification and mitigation of such acts;
 - Strategies to address problems of exclusion, bias and aggression in the educational setting;
 - The effects of harassment, bullying, cyber-bullying and or discrimination;
 - The need to ensure effective implementation of school policy on conduct and discipline including;
 - Guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying and or discrimination; and
 - The need to include concepts of safe and supportive school concepts in curriculum and classroom management.
- 2) Provide clear direction to enable them to take the appropriate and necessary steps to prevent and respond to allegations of harassment, bullying and discrimination.

VII. Reporting of Alleged Harassment and Discrimination

School Personnel and Volunteers

It shall be the duty of all school personnel to report any incident of student-to-student bullying, harassment, discrimination, witnessed or reported to them to the [Chief DASA Investigator,

named above] within one school day and to file a written report no later than two school days after making such report.

Students and Parents

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 to report to the appropriate and/or designated school personnel any conduct perpetrated against a student enrolled in the District who they have reason to believe was a target of bullying, harassment, discrimination or hazing.

Investigation

It shall be the duty of the Chief DASA Investigator to oversee the investigation of all complaints received involving harassment, bullying and discrimination.

Upon receipt of alleged harassment, bullying or discrimination, the Chief DASA Investigator shall ensure that appropriate action is taken to address any immediate safety concerns raised in the report.

If the allegations involve criminal conduct, the chief DASA Investigations shall notify the appropriate local law enforcement agency promptly and shall coordinate with law enforcement those investigations where law enforcement determines to take the lead.

Such investigation shall begin upon receipt of any oral report received and shall be completed within 14 school days after the receipt of the written report, except that where due to the nature of the complaint, additional time is needed to complete the investigation, the Chief DASA Investigator may grant a reasonable extension of these timelines where necessary.

At any level/stage of investigation of alleged harassment, discrimination or bullying, if a determination is made that harassment, discrimination or bullying did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment, discrimination or bullying did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace. In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of harassment, bullying or discrimination will be subject to disciplinary action in accordance with legal guidelines, District policy, the Student Code of Conduct and any applicable collective bargaining agreement(s).

VIII. Interventions

In response to a Complaint, the Chief Investigating Officer shall take all reasonable steps to:

- Correct the problem behavior;
- Prevent reoccurrence of the problem behavior;
- Protect the targeted student;
- Refer the matter to the School Principal and/ or Superintendent where applicable pursuant to the District's Code of Conduct;
- Schedule follow-up discussions and/or meetings, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

IX. Confidentiality of Reporting

Except in those rare instances where the investigation of a complaint involving harassment or discrimination would be compromised, or where disclosure is required by law, the source of all reports shall remain confidential. Every effort shall be made to keep the name of the reporter confidential and if the Investigatory team determines that the information must be released, the Team will first notify the complainant and take all reasonable steps to honor the complainant's wishes.

X. Retaliation

Retaliation against a reporter or anyone assisting in investigations of Complaints involving harassment or bullying is prohibited. Any reports of retaliation or threatened retaliation shall result in immediate disciplinary action in accordance with the District's Code of Conduct.

XI. Reporting

The results of any such investigation shall be reported to both the targeted student, the student's parents or person in parental relationship and the alleged offender, as well as their respective parents or guardians. If either party and/or their respective parents or guardians disagree with the results of the investigation, that party should be advised of any local policies regarding how to proceed in such instances.

All DASA Complaints shall be documented, tracked and handled in accordance with the Regulations of the Commissioner or, if applicable, any other Cairo-Durham CSD policy pertaining to nondiscrimination and harassment, including sexual harassment, its disciplinary rules and procedures, and/or the code of conduct.

The Principal of each school shall make and submit an annual report to the Superintendent on data and trends related to harassment, bullying and discrimination, **which shall be reported by the Superintendent to the Board of Education.**

XII. Appeals

If the Parents or Guardians of a Student or a Student over the age of 18 is not satisfied with the outcome of a Complaint, they may appeal the determination to the Board of Education. Appeals shall be made in writing within 14 days of receipt of a Decision and Determination on a Complaint, shall identify those aspects of the findings with which they disagree and shall be directed to the Secretary of the Board of Education.

XIII. Publication

A copy of this policy shall be provided to all school employees, volunteers, students and parents (electronically or in writing) which shall include notification of the process by which the students and parents may report allegations of harassment, bullying and discrimination and the process by which school employees shall report such incidents. This policy shall also appear on the District's website.

Ref:

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
Education Law 801-a
Education Law Article 2 §§ 10-18;
8 NYCRR 100.2(c)(l) 119.6; 100.2 (jj &(kk)
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)

Adopted by the Board of Education: 8-20-2013

