

STUDENT CONDUCT

SUBJECT: STUDENT CODE OF CONDUCT AND DISCIPLINE

DIGNITY FOR ALL STUDENTS

AuSable Valley Central School District is committed to providing an educational and working environment that promotes respect, dignity and equality. Discrimination such as harassment, hazing and bullying, are detrimental to student learning and achievement and these behaviors interfere with the mission of the District to educate its students and provide a safe, healthy environment in which to learn and grow.

In accordance with the Dignity for All Students Act, the District 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, whether on or off of school property.

Definitions

Bullying: means a series of acts or a single negative act (depending on severity) that involve(s) a real or perceived imbalance of power, i.e., where a more powerful (whether real or perceived) group of students, or an individual student engages in harassment of another student or students who is/are less powerful or perceived to be less powerful. Bullying can take many forms, including, but not necessarily limited to the following three (3) forms:

1. Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
2. Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
3. Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion or intimidation).

Cyberbullying: means online social cruelty or electronic bullying that involves the use of information technology, including e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate students. This including, but is not necessarily limited to, sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person (including, but not limited to “Sexting”); pretending to be someone else in order to make that person look bad.

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Sexting: means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email.

Discrimination: is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs.

Hazing: is an induction, initiation 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.

Harassment: has been defined in various ways in federal and state law and regulation. The District recognizes that these definitions are important standards, but its goal is to prevent misbehavior from escalating in order to promote a positive school environment. The Dignity for All Students Act 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 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).

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.

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before overt acts occur. Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

Designation and Role of Dignity Act Coordinator (“DAC”)

The Board of Education will annually designate at least one staff member for each building (usually the building principal), who has been trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identify and expression), and sex. The Dignity Act Coordinator (“DAC”) is accountable for implementation of this policy and for coordinating and enforcing this policy.

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, and may involve remediation. Remedial responses to bullying and harassment include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or systemic approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with District policy.

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Training

Training will be reflected in the District's annual professional development plan, new teacher orientation, and will be considered in the budget process. The DAC, administrative employees and other staff, such as school counselors, social workers, and school psychologists 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.

Reporting and Investigation

The District cannot effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided.

There shall be a duty for all school personnel to report any incidents of student-to-student and staff-to-student bullying that they observe or of which they are made aware by students to their building principal, the DAC or other administrator who supervises their employment, who will refer the information to appropriate District staff for investigation. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor.

The District will investigate all complaints, formal or informal, verbal or written. 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 alleged perpetrator(s); witnesses to the incident(s); and the target's response to the incident.

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Reporting and Investigation Continued:

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, corrective and possible disciplinary action will be taken in accordance with the Code of Conduct, applicable collective bargaining agreement, District policy and state law. If either of the parties disagrees with the findings of the initial investigation, an appeal may be made as specified herein.

Incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system when applicable.

Confidentiality

It is District's policy to respect the privacy to the fullest extent possible, of all parties and witnesses to 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 desire for confidentiality must be balanced with the District'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, 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.

Investigation and Resolution Procedure

A. Initial 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 building level. The goal of informal procedures is

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to end the bullying, prevent future incidents, ensure the safety of the target and obtain a prompt and equitable resolution to a complaint.

As soon as possible, 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 notifying 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.

Resolution of Complaint

Where appropriate and possible, informal methods may be used to resolve the complaint, including, but not limited to:

- Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- Suggesting counseling, skill building activities and/or sensitivity training;
- Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- Requesting a letter of apology to the target;
- Writing letters of caution or reprimand; and/or
- Separating the parties.

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Appropriate disciplinary action shall be recommended and/or imposed in accordance with District policy, the applicable collective bargaining agreement or state law.

The investigator shall report back to both the target and the accused regarding the outcome of the investigation and the action taken to resolve the complaint.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Principal or his/her designee. 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, associate 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 notify the Superintendent (or his/her designee), and then contact the appropriate child protection, law enforcement authorities, and, if appropriate, school attorneys.

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

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaint that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation. 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 independent individual for investigation.

The District-level investigation should begin as soon as possible following receipt of the complaint by the Superintendent or Board President.

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B. District-level Procedure Continued:

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-level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

No later than thirty (30) school 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 thirty (30) days following receipt of the complaint.

Any party who is not satisfied with the outcome of the District-level investigation may appeal to the Board of Education by submitting a written request to the Board President within thirty (30) school days of receiving notice of the outcome of the investigation.

C. Board-level 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.

The Board shall notify all parties concerned of the time and the place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the complainant.

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

The District shall retain documentation associated with complaints and investigations in accordance with Schedule ED-1.

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Provisions for Students Who do not Feel Safe at School

The District 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.

Disciplinary Consequences/Remediation

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. Student 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.

Consequences for a student who commits an act of bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of allegations of harassment. Follow-up inquiries and/or appropriate monitoring of the alleged harasser and victim shall be made to ensure that harassment has not resumed and that those involved in the investigation of allegations of harassment have not suffered retaliation.

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Dissemination, Monitoring, Review, and Reporting

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.

The Board will receive the annual VADIR report, for each building and for the District as whole, with particular attention to the trends in the incidence of bullying. In addition, the Board will receive on an annual basis a more detailed report of the number of bullying incidents that occur, disaggregated by school, student demographic information and type of incident. 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 District will ensure that reporting of information to the public will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).